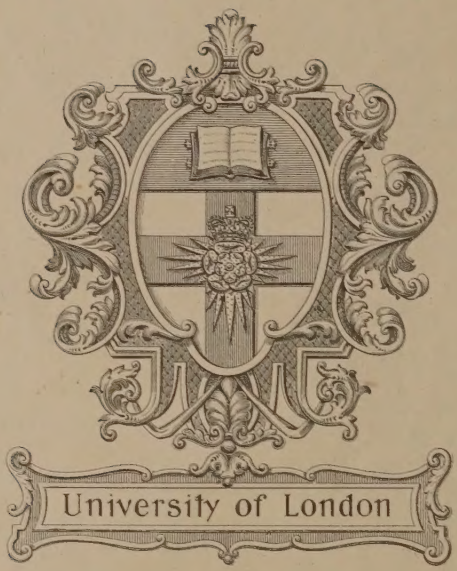
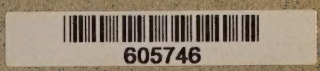

University of London


605746

REPORTS

FROM

COMMISSIONERS:

SIXTEEN VOLUMES.

—(9.)—

PENAL SERVITUDE (REPORT AND APPENDIX).

Session

5 February——28 *July* 1863.

VOL. XXI.

REPORTS FROM COMMISSIONERS:

1863.

SIXTEEN VOLUMES:—CONTENTS OF THE

NINTH VOLUME.

N.B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at t*
of each Report; *and the* Figures *at the* end of the line, *refer to the* MS. Pagin
he Volumes arranged for The House of Commons.

PENAL SERVITUDE ACTS COMMISSION:

190.] REPORT of the COMMISSIONERS appointed to inquire into th
Operation of the Acts 16 & 17 Vict. c. 99, and 20 & 2
Vict. c. 3, relating to TRANSPORTATION and PENAL SERVI
TUDE. Vol I. REPORT and APPENDIX - - p.

0—I.] Ditto - - Ditto. Vol. II. MINUTES OF EVIDENCE - 28

REPORT

OF

THE COMMISSIONERS

APPOINTED TO INQUIRE INTO

THE OPERATION OF THE ACTS

(16 & 17 VICT. c. 99. AND 20 & 21 VICT. c. 3.)

RELATING TO

TRANSPORTATION AND PENAL SERVITUDE.

VOL. I.

REPORT AND APPENDIX.

Presented to both Houses of Parliament by Command of Her Majesty.

LONDON:
PRINTED BY GEORGE E. EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1863.

6457.

CONTENTS OF VOL. I.

	Page
The Commission - - - - - - - - -	5
The Report - - - - - - - - -	9
Memorandum by Mr. Henley - - - - - - -	74
„ „ The Lord Chief Justice - - - - -	75
„ „ Mr. Childers - - - - - - -	97
Extract from Minutes of Proceedings, showing the Amendments proposed to the Draft Report and Divisions thereon - - -	98
List of Appendix - - - - - - - -	119
Appendix - - - - - - - - -	125

REFORM CLUB
PALL MALL

COMMISSION.

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To Our right trusty and right well-beloved Cousin and Councillor Henry Earl Grey, Our right trusty and well-beloved Councillor Richard Southwell Bourke (commonly called Lord Naas), Our right trusty and well-beloved Councillor Robert Monsey Baron Cranworth, Our right trusty and well-beloved Councillor Frederic Baron Chelmsford,* Our right trusty and well-beloved Councillor Edward Pleydell Bouverie, Our right trusty and well-beloved Councillor Sir John Somerset Pakington, Baronet, Knight Grand Cross of Our most Honourable Order of the Bath, Our right trusty and well-beloved Councillor Spencer Horatio Walpole, Our right trusty and well-beloved Councillor Joseph Warner Henley, Our right trusty and well-beloved Councillor Sir Alexander James Edmund Cockburn, Baronet, Chief Justice of Our Court of Queen's Bench, Our trusty and well-beloved Horatio Waddington, Esquire, Our trusty and well-beloved Russell Gurney, Esquire, Recorder of Our City of London, Our trusty and well-beloved Charles Owen O'Conor, Esquire (commonly called the O'Conor Don), and Our trusty and well-beloved Hugh Culling Eardley Childers, Esquire, greeting:

Whereas We have deemed it expedient, for divers good causes and considerations Us thereunto moving, that a diligent and full Inquiry should be forthwith made into the Operation of the Act passed in the Sixteenth and

* It was communicated to the Commissioners at their first meeting that Lord Chelmsford would be unable to take part in the proceedings.

Seventeenth Years of Our Reign, intituled "An Act to "substitute in certain Cases other Punishment in lieu of "Transportation," and also into that of an Act passed in the Twentieth and Twenty-first Years of Our Reign, intituled "An Act to amend the Act of the Sixteenth and "Seventeenth Years of Our Reign to substitute in certain "Cases other Punishment in lieu of Transportation," and into the Manner in which Sentences of Transportation and of Penal Servitude have been and are carried into effect under the Provisions of the said recited Acts, or either of them, and generally into the existing Law and Practice relating to Persons sentenced or liable to be sentenced to Penal Servitude.

Know ye, that We, reposing great Trust and Confidence in your Zeal and Ability, have authorized and appointed, and do by these Presents authorize and appoint, you the said Henry Earl Grey, Richard Southwell Bourke (commonly called Lord Naas), Robert Monsey Baron Cranworth, Frederic Baron Chelmsford, Edward Pleydell Bouverie, Sir John Somerset Pakington, Spencer Horatio Walpole, Joseph Warner Henley, Sir Alexander James Edmund Cockburn, Horatio Waddington, Russell Gurney, Charles Owen O'Conor, (commonly called the O'Conor Don), and Hugh Culling Eardley Childers, to be Our Commissioners for the Purposes aforesaid:

And for the better Discovery of the Truth in the Premises, We do by these Presents give and grant to you, or any Five or more of you, full Power and Authority to call before you, or any Five or more of you, such Persons as you shall judge necessary for the Purpose of making the aforesaid Inquiry.

And We do also give and grant to you, or any Five or more of you, full Power and Authority to call for and have Access to all official Books, Documents, Papers, and Records as may afford the fullest Information on the

Subject, and to inquire of and concerning the Premises by all other lawful Ways and Means whatsoever.

And Our further Will and Pleasure is that you do, within Six Months after the Date of this Our Commission, or as much sooner as the same can conveniently be done (using all Diligence), certify to Us under your Hands and Seals, or under the Hands and Seals of any Five or more of you, your several Proceedings in the Premises, and that you do at the same Time report to Us your opinion whether any and what Alterations, Amendments, or Improvements may be beneficially made in the Law now in force as to any of the Subjects into which you are hereby authorized and appointed to inquire, or in the administration thereof.

And We further will and command, and by these Presents ordain, that this Our Commission shall continue in full force and virtue, and that you Our said Commissioners, or any Five or more of you, shall and may from Time to Time proceed in the execution thereof, and of every Matter and Thing therein contained, although the same be not continued from Time to Time by adjournment.

And We do hereby direct and appoint that you, or any Seven or more of you, have liberty to certify your several Proceedings from Time to Time to Us as the same shall be respectively completed and perfected.

And We hereby command all and singular Our Justices of the Peace, Sheriffs, Mayors, Bailiffs, Constables, Officers, Ministers, and all other Our loving Subjects whatsoever, as well within Liberties as without, that they be assistant to you and each of you in the Execution of these Presents.

And for your assistance in the due Execution of this Our Commission We have made choice of Our trusty and well-beloved Thomas Fassett Kent, Esq., Barrister-at-Law, to be Secretary to this Our Commission, and to attend

you, whose Services and Assistance We require you to use from Time to Time as occasion may require.

In Witness whereof we have caused these Our Letters to be made Patent.

Witness Ourself at Westminster, the Twenty ninth Day of December in the Twenty-sixth Year of Our Reign.

By Warrant under the Queen's Sign Manual.

C. ROMILLY.

REFORM CLUB
PALL MALL

REPORT.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

We, Your Majesty's Commissioners appointed "to "inquire into the operation of the Act passed in the 16th "and 17th years of Your Majesty's reign, intituled "'An Act to substitute in certain Cases other Pun-"'ishment in lieu of Transportation,' and also into that "of an Act passed in the 20th and 21st years of Your "Majesty's reign, intituled 'An Act to amend the Act "'of the Sixteenth and Seventeenth Years of Our Reign "'to substitute in certain Cases other Punishment in "'lieu of Transportation,'" and into the manner in "which sentences of Transportation and of Penal Servi-"tude have been and are carried into effect under the "provisions of the said recited Acts, or either of them, "and generally into the existing law and practice re-"lating to persons sentenced or liable to be sentenced to "Penal Servitude; and to certify to Your Majesty under "our hands and seals, or under the hands and seals of "any five or more of us, our several proceedings in the "premises, and at the same time to report to Your Ma-"jesty our opinion whether any and what alterations, "amendments, or improvements might be beneficially "made in the law now in force as to any of the subjects "into which we are authorized and appointed to inquire, "or in the administration thereof," humbly report as follows:—

1. In order that the opinions which we have formed on the subjects referred to us for consideration, and the recommendations which we have to make, may be more readily understood, it will be convenient that we should first state briefly the changes made in the law by the Penal Servitude Acts of 1853, and 1857, mentioned in the Commission, and the manner in which sentences of Penal Servitude have been carried into effect under them.

2. The punishment called "Penal Servitude" was first introduced under that name, by the Act 16 & 17 Vict. c. 99.,

16&17 Vict. c. 99. 1853. intituled "An Act to substitute in certain Cases other "Punishment in lieu of Transportation," which came into operation on the 1st of September 1853. This Act abolished prospectively all sentences of Transportation of less than 14 years, substituting for them sentences of Penal Servitude. In sentences of 14 years and upwards, the Act gave the court a discretion of passing a sentence of Transportation or Penal Servitude. The terms of Penal Servitude substituted for Transportation were considerably shorter than those of Transportation, being as follows:—

Instead of Transportation for	Penal Servitude for
7 years or less - - -	4 years.
Exceeding 7 years, and not exceeding 10 years.	Not less than 4 years, and not exceeding 6 years.
Exceeding 10 years, and not exceeding 15 years.	Not less than 6 years, and not exceeding 8 years.
Exceeding 15 years - -	Not less than 6 years, and not exceeding 10 years.

In the case of life sentences only there was no difference.

Power was also for the first time given, to grant to convicts under sentence of Transportation or Penal Servitude, licences to be at large in the United Kingdom, revocable at the pleasure of the Crown, which are commonly known as tickets of leave.

Act of 1853 how carried into effect.

3. The terms of Penal Servitude, as fixed by this Act, were nearly of the same length as the periods of confinement in this country, that had usually been undergone by convicts sentenced to transportation, but not transported. The short sentences substituted did not, therefore, admit of any remission being granted, without abridging the period of penal labour previously inflicted. On this account, the power given by the Act of 1853 to grant tickets of leave was systematically exercised, only in the case of convicts under sentences of Transportation, who remained in this country. Sentences of Penal Servitude, under the Act of 1853, were, as a general rule, fully carried into effect. The effect of the Act of 1853, as it respected convicts under sentence of Transportation, and discharged in this country, was to substitute for the former practice of unconditional release with a free pardon, the

grant of a ticket of leave in this country, revocable during the unexpired term of the sentence.

4. In 1856, a Committee of the House of Commons was appointed to inquire into the operation of the Act of 1853; and they recommended, among other things, that every punishment by Penal Servitude should include—first, a certain fixed period of imprisonment and hard labour on public works, to be undergone at all events; secondly, a further period, which should be capable of being abridged by the good conduct of the convict himself; and that, with this view, the sentences of Penal Servitude prescribed by the Act of 1853 should be lengthened, so as to be identical with the terms of Transportation for which they were respectively substituted. Committee of the House of Commons in 1856.

The Committee also reported, that the scale of secondary punishment would be more complete, if a shorter period of Penal Servitude than any then in force were enacted, as an intermediate sentence between the term of ordinary imprisonment then usually inflicted, and the former sentence of seven years transportation, or its equivalent.

With respect to the ticket-of-leave system, the Committee reported, that it had been too short a time in operation in this country to enable them to form a clear and decided opinion, either as to the effects which it had already produced, or as to its probable ultimate working; but they expressed their approval of its principle, and they reported that there had been much misapprehension and exaggeration with regard to the conduct of persons released upon tickets of leave, who had been frequently confounded, even by witnesses before the Committee, with convicts whose sentences had actually expired. They recommended, that to render the system of tickets of leave adapted both for the reformation of offenders, and the interests of the public, the conditions indorsed upon the tickets of leave should be enforced more strictly than appeared to have been the the case; and that every convict, on his release with a ticket of leave, should be reported to the police of the town or district to which he was sent.

5. In the next year (1857) an Act was passed to amend the Act of 1853, founded mainly on the Report of the Committee of the House of Commons in 1856. By this Act (20 & 21 Vict. cap. 3.), which came into operation 20 & 21 Vict. c. 3. 1857.

on the 1st of July 1857, sentences of Transportation were prospectively abolished altogether, and sentences of Penal Servitude substituted for them in all cases. The provision that four years of Penal Servitude should be considered equivalent to seven years Transportation, and that the same principle should apply to longer sentences, was repealed; and Penal Servitude for any number of years was declared to be an equivalent for a like term of Transportation. But it was provided, that in any case in which a sentence of seven years Transportation might previously have been passed, it should be lawful for the Court, in its discretion, to pass a sentence of Penal Servitude of not less than three years. Power was also given of carrying into effect sentences of Penal Servitude in any place beyond the seas to which convicts under former sentences of Transportation might have been sent, or which might be appointed for the purpose under that Act; doubts having arisen whether a clause to that effect in the Act of 1853 was sufficient for the purpose.

Circular of June 27, 1857. App. No. 1. E.

6. On the passing of the Act of 1857, a circular (which will be found in the Appendix) was addressed by the Secretary of State to all Judges, Recorders, and Chairmen of Quarter Sessions, explaining the provisions of the Act; containing the scale of remissions intended to be granted; and giving full information as to the manner in which it was proposed to carry into effect sentences of Penal Servitude: making it distinctly known, that while a certain fixed term of the sentence would in all cases be inflicted a remission of the remaining portion of it would be granted to those convicts, sentenced for any term of years, whose conduct in prison should be such as not to deprive them of that indulgence. The scale of remissions laid down which is still in force, varied from one-sixth of the term of the sentence, in sentences of three years, to one-third, in sentences of fifteen years and upwards. In the first instance it was intended, that the remission should, in general, be unconditional, and not qualified by a revocable ticket of leave; but this intention was subsequently departed from, and, as a rule, revocable licences were issued. It was stated in the Circular that sentences for life would require to be dealt with separately, and to be considered according to the special circumstances of each case.

Sentences of Penal Servitude, how carried into effect.

7. We now proceed to give a short outline of the mode in which sentences of Penal Servitude have been carried into effect under the Act of 1857.

Great Britain.

Separate confinement.

Adult male convicts, sentenced in Great Britain, are first detained in separate confinement for about nine months, as a general rule, though latterly the average period of detention has not been so long. Millbank and Pentonville, and parts of Wakefield and Leicester prisons, have been used for this purpose, and some further accommodation has been recently provided elsewhere. In these prisons the convicts are chiefly employed in various trades, such as tailoring, shoemaking, weaving, and mat-making, in which they receive such instruction as may be necessary. After six months good conduct a convict in separate confinement may earn a weekly gratuity of 8*d.*, 6*d.*, or 4*d.*, payable after his discharge, the rate being determined by his industry at work.

Public Works Prisons.

8. At the end of his period of separate confinement, the convict is removed to another prison for associated labour on public works. The prisons now used for this purpose are—Chatham, Portsmouth, Portland, and Gibraltar, for able-bodied convicts; Dartmoor for light-labour convicts, and Woking for invalids. The convict establishment at Bermuda has been given up. The hulk system has been altogether abolished in England for some years. No convict has been confined in a hulk in this country since 1858, prisons having been erected at Portsmouth and Chatham, capable of containing a large number of convicts, with a separate sleeping cell for each.

Stages on Public Works.

9. On the reception of a convict on public works the remaining term of his sentence is divided into three portions, or stages of discipline, in the lowest of which there are three classes. Convicts are first placed in the first, second, or third class, according to the report received of their conduct whilst in separate confinement. Those in the second or third class are advanced to the next class if their conduct has been good for a period of three months. No convict is advanced beyond the lowest stage unless he is in the first class, and if, having attained to a subsequent stage, he is degraded for misconduct to a lower class than the first, he is removed back into the lowest stage, until

by good conduct for three or six months, as the case may be, he has regained the first class.

The conduct of a convict on public works is denoted by the class he is in, and, if bad, by a mark on his badge. A daily record of it is also kept by the warder under whom he works. His industry is recorded from day to day by the same officer, the signs used for the purpose being V. G. (very good), G. (good), and O. (ordinary.)

Convicts in the lowest stage of public works are credited with the following gratuities, good conduct and industry being for this purpose separately considered:—

For Good Conduct:—	
First class, per week - - -	6*d.*
Second „ „ - - -	4*d.*
Third „ „ - - -	nil.
For Industry:—	
Very industrious (V.G.) at work, per week	9*d.*
Industrious (G.) „ „ -	6*d.*
Not industrious (O.) „ „ -	nil.

These gratuities are cumulative: thus a man of exemplary conduct and industry may earn 15*d.* a-week; a man of fair conduct and industry, 10*d.*

After a convict has passed through the lowest stage, his advance to each of the subsequent stages entitles him to an additional weekly gratuity of 4*d.* for industry, and to certain other indulgences, in receiving letters and visits, and in diet.

Forfeiture of time.

10. A convict is considered entitled to the remission of the proportion of his sentence mentioned in the circular, unless he forfeits his right to this indulgence by misconduct or idleness. In such cases he is sentenced, by a special order of one of the Directors of Convict Prisons, to lose the whole or part of the remission to which he would be otherwise entitled. If, however, towards the close of his sentence his name has not appeared in the "Defaulters' Book" for at least six months, his case is taken into consideration with reference to the time of his remission forfeited, and a certain portion of it, not exceeding three-fourths, may be restored for good conduct and industry. The practice has been to restore one-half the forfeited time, if the convict has been clear of all unfavourable prison reports for at least twelve months, and one-third, if he has

been clear for less than twelve months, but for at least six months.

11. The form of a ticket of leave, and the conditions now * indorsed upon it, are as follows : Ticket of leave.

" *Order of Licence to a Convict made under the Statutes* 16 *&* 17 *Vict. cap.* 99. *sect.* 9., *and* 20 *&* 21 *Vict. cap.* 3.

" *Whitehall,* day of 186

" Her Majesty is graciously pleased to grant to who was convicted of at the for the of , on the day of , and was then and there sentenced to Penal Servitude for the term of years, Her Royal Licence to be at large in the United Kingdom, from the day of his liberation under this Order during the remaining portion of his said term of Penal Servitude, unless it shall please Her Majesty sooner to revoke or alter such Licence. And Her Majesty hereby orders that the said be set at liberty within thirty days from the date of this Order.

" Given under my hand and seal.

(Signed)

[Secretary of State.]

" Notice.

" 1. The Licence is liable to be revoked in case of misconduct.

" 2. It may be revoked in the case of the holder of it being convicted of any new offence, unless the punishment for that offence extends beyond the term of his former sentence.

" But it is not necessary that the holder should be convicted of any new offence.

" If he associates with notoriously bad characters, and leads an idle and dissolute life, with no visible means of obtaining an honest livelihood, he will be liable to be recommitted to prison under his original sentence.

" 3. If his Licence is revoked, he may have to undergo the whole remaining portion of his original sentence."

---

* The conditions were originally the same as those now in use in Ireland—see § 23. They were altered in December 1856 to their present form, except that until 1860 the word "*will*" was used in 2 and 3 instead of "*may.*"

Ticket of leave when granted.

12. No convict's name is submitted to the Secretary of State for the grant of a ticket of leave, unless such convict has been clear of all prison reports for misconduct, for a period of at least six months immediately preceding the time when his name is submitted, and has also been industrious at labour.

Revocation of tickets of leave.

13. As a general rule, the ticket of leave has been revoked in every case of a known conviction for a new offence, unless the term of sentence passed for it extended beyond that of the original sentence, or left so short an interval as to make it not worth while to incur the expense of the removal of the convict to a convict prison, with the necessity for his almost immediate discharge. Although the general practice has been to revoke the ticket of leave only on a new conviction, in some cases it has been revoked, on satisfactory proof of misconduct, without an actual conviction. No measures have hitherto been adopted to exercise a supervision over convicts on ticket of leave, beyond what is implied in the mode of paying their gratuities, which will be presently mentioned.

Notice was given in November 1861, that the regulations as to the remission of a portion of the sentence, should not apply to convicts thereafter sentenced to Penal Servitude while holding tickets of leave; and this exception has recently been extended, prospectively, to all convicts under a second, or subsequent sentence of Penal Servitude.

Payment of gratuities.

14. The gratuity to which a convict may be entitled, when released, if not exceeding 5*l.*, is paid within ten days of his discharge; if it exceeds that sum, part is paid on discharge, and the remainder by subsequent instalments, on the certificate of a magistrate, or the clergyman of the parish, or other competent and known authority, that the convict is earning his livelihood by honest means. In the metropolis payment is made through the police. An exception to the above rules is made in those cases in which a convict is taken charge of by the "Prisoners' Aid Society," when the gratuity is paid to the Society, to be applied for his benefit.

Removal to Western Australia.

15. A certain number of convicts have been from time to time selected from among those employed on public works, for removal to Western Australia, which is

the only colony to which convicts can now be sent. It is stated in the Circular of 27th June 1857, before referred to, that the selection would be made, as far as possible, from among those whose sentences were for terms of not less than seven years, and that they would be removed to a colony after having undergone about one half of their original sentence; but these regulations have been in many cases departed from, in consequence of the demand for convicts in the colony, and the limited number eligible for removal to it. App.No.1.E.

16. According to the rules in force in Western Australia, a convict may obtain a ticket of leave at a much earlier period than in England, and, after remaining subject for a certain time to the restrictions imposed by it, may receive a conditional pardon, the only condition being that he shall not return to the United Kingdom. According to the scale of remission as settled for Western Australia in 1859, a convict, if sentenced to penal servitude for six years, was considered eligible for a ticket of leave at the end of three years, and if sentenced for fifteen years, at the end of five years and nine months; the proportion of remission being about the same in other sentences. This scale, however, was very considerably modified by the adoption of the system of marks which is now in force in the colony. According to this system, each convict is debited with a total number of marks, which he must work off before he receives a ticket of leave, the number being such, that by gaining three marks every day he will obtain it at the exact time specified in the scale. He may, however, earn four marks a day by exemplary industry, and thus obtain an additional remission. Some convicts, too, in Western Australia are employed as constables, and allowed, as such, from four to six marks a day, instead of those which they might otherwise earn. Tickets of leave and mark system in Western Australia. App. No. 18. App. No. 18 * 2409.

The holder of a ticket of leave in Western Australia is limited to a particular district, he is not allowed to be out of his home after 10 o'clock at night, and is subject to very strict supervision, with the liability of being at once brought back under punishment in the event of his being guilty of any irregularity. 2408.

17. Juvenile male convicts under sixteen years of age, sentenced in Great Britain to Penal Servitude, undergo Juvenile male convicts.

* These numbers refer to those prefixed to the questions in the Minutes of Evidence.

their term of imprisonment in Parkhurst prison, in the Isle of Wight, where they are first kept in separate confinement in the probationary ward for four months, and are then employed in associated labour.

Female convicts.

18. Female convicts, sentenced in England to Penal Servitude, are first sent to Millbank prison, where they are detained for about twelve months, during a portion of which they are kept in separate confinement. At the end of this period they are removed to Brixton prison, where the greater part of them remain until they are either released with tickets of leave, or discharged at the expiration of their sentences. A certain number, selected for their good conduct, after being detained for a time at Brixton, are removed to Fulham refuge. This prison contains about 180 female convicts. In Scotland female convicts are confined in the prison at Perth.

Ireland.

Irish system.

19. The Acts of 1853 and 1857 apply to Ireland as well as to England, and the law with reference to Penal Servitude is precisely the same in both countries. The mode in which it is administered is also in most respects the same, but with some important differences.

Separate confinement and Public Works.

20. In Ireland, as in England, the punishment of Penal Servitude commences with separate confinement, which is succeeded by labour on public works. The prison for separate confinement is at Mountjoy, in Dublin, that for public works is on Spike Island, near the entrance to Cork Harbour. The prison at Phillipstown has been recently given up. In Ireland the diet during the first four
3159-61. months of separate confinement is lower than in England, no meat being given to the prisoners, and during the first three months they are not allowed to work at any interesting employment, but are restricted to oakum-picking. On public works the stages are more numerous than in England, and convicts in different classes are kept more apart from each other. The progress of the convicts is also recorded, in a somewhat different manner, by marks, of which nine may be gained in a month—three for good
3176. conduct, three for industry at work, and three for diligence in school, which is not reckoned in the English system. No gratuities are allowed during the period of separate

confinement; in the different stages of public works the gratuities are successively 1*d.*, 2*d.*, 3*d.*, 4*d.*, and 9*d.* a week; the scale in England, (commencing at the end of the first six months of separate confinement,) being 8*d.*, 1*s.* 3*d.*, 1*s.* 7*d.*, and 1*s.* 11*d.* Except as above mentioned, there appears to be no material distinction between the Irish and English systems, so far as relates to the stages of separate confinement, and labour on public works. 3180.

Intermediate Prisons.

21. One of the most important differences in the two systems consists in the existence in Ireland of what are called "Intermediate Prisons," to which such of the convicts as are considered fit for it (being, according to the evidence, about seventy-five per cent. of the whole number) are removed after having undergone about four-sevenths of their sentences. These Intermediate Prisons are situate at Smithfield and Lusk, the former being in Dublin, and the latter about fifteen miles from it. Whilst there the convicts enjoy a much greater degree of liberty than in the previous stages. At Lusk they are employed, according to the Report of the Direciors for 1861, (p. 9), "in "a state of almost freedom." In the Intermediate Prisons the convicts may earn 2*s.* 6*d.* a week, of which they are allowed to spend 6*d.* in anything they like except intoxicating liquors. This gratuity exceeds by 7*d.* the highest on the English scale; but, upon the whole, the maximum amount which a convict in Ireland can be entitled to on his discharge is less than half what a convict can earn in England. 3242. App. No. 10. AA.

Police supervision.

22. Another leading difference in the Irish system, consists in the supervision exercised by the police over the holders of tickets of leave; and the necessity imposed on them of reporting themselves, in country districts, to the constabulary stations of their respective districts on their first arrival, and subsequently on the first of each month. The convicts at large with tickets of leave in the Dublin district are not, however, at present required to report themselves, the supervision of them having been undertaken by Mr. Organ, the lecturer at the Intermediate Prisons, who reports to the police those with whose conduct he is not satisfied. App. No. 10. X.

Conditions of ticket of leave in Ireland.

23. The form of the conditions indorsed on the ticket of leave in Ireland differs slightly from that now in use in England, being as follows:—

Conditions.

1. The power of revoking or altering the licence of a convict will most certainly be exercised in case of his misconduct.

2. If, therefore, he wishes to retain the privilege which by his good behaviour under penal discipline he has obtained, he must prove by his subsequent conduct that he is really worthy of Her Majesty's clemency.

3. To produce a forfeiture of the licence it is by no means necessary that the holder should be convicted of any new offence. If he associates with notoriously bad characters, leads an idle and dissolute life, or has no visible means of obtaining an honest livelihood, &c., it will be assumed that he is about to relapse into crime, and he will be at once apprehended and re-committed to prison under his original sentence.

Enforcement of conditions. App. No. 10. W.X.

24. Great care appears to have been taken in Ireland to enforce these conditions; and, unless the term of the subsequent sentence extends over the original one, the licence is revoked whenever the holder is known to be re-convicted, however short a time may remain of the former sentence.

Female convicts. App. No. 10. Z.

25. Female convicts sentenced in Ireland to Penal Servitude are sent to the prison for females at Mountjoy, which is used both for separate confinement, and associated labour. The best conducted of them are removed, before the expiration of their sentences, under special licences, to Protestant or Roman Catholic refuges, the latter being under the superintendence of Sisters of Mercy.

---

26. We propose to consider, next, what have been the results of the system of punishment above described, and in what respects it appears to be susceptible of improvement.

Recent increase of crime.

The recent increase of crimes, and especially of crimes of violence in the metropolis, has caused great alarm to the public, and has been attributed by many to defects in the existing system of punishment. It is obvious, however, that no safe conclusions as to the causes of crime, can be drawn from a sudden increase in the number of offences, during one or two years, as compared with those immediately preceding, and we have thought it right to ascertain, what the variations in the amount of crime have been during a longer period.

27. The following table, which has been abstracted from the criminal tables annually presented to Parliament, shows what the numbers of convictions (not including summary convictions), and of sentences of death, transportation, and penal servitude, have been in England, Scotland, and Ireland respectively, during each of the last 21 years, and the yearly average in each septennial period. It should be premised that the Criminal Justice Act (18 & 19 Vict. c. 126.) by which extended powers were given to justices in England and Ireland of dealing summarily with cases of larceny, came into operation in August 1855, and that the new directors of convict prisons in Ireland, by whom the present Irish system was first introduced, were appointed on the 29th of November 1854. Crime during the last 21 years.

Years.	England.		Scotland.		Ireland.	
	Convictions.	Sentences of Death, Transportation, and Penal Servitude.	Convictions.	Sentences of Death, Transportation, and Penal Servitude.	Convictions.	Sentences of Death, Transportation, and Penal Servitude.
1842	22,733	4,254	3,145	384	9,874	986
1843	21,086	4,280	2,584	274	8,620	619
1844	18,912	3,377	2,719	332	8,042	720
1845	17,397	2,947	2,679	349	7,101	628
1846	18,135	2,861	3,065	352	8,639	717
1847	21,542	2,859	3,558	458	15,233	2,210
1848	22,900	3,311	3,689	353	18,206	2,758
	7)142,705	7)23,889	7)21,439	7)2,502	7)75,715	7)8,638
Average 1842–48	20,386	3,412	3,062	357	10,816	1,234
1849	21,001	2,910	3,274	374	21,202	3,088
1850	20,537	2,627	3,363	598	17,108	1,866
1851	21,579	2,870	3,070	503	14,377	1,995
1852	21,304	2,595	3,018	365	10,454	1,433
1853	20,756	2,423	2,821	347	8,714	937
1854	23,047	2,467	2,989	325	7,051	714
1855	19,971	2,415	2,689	228	5,220	523
	7)148,195	7)18,307	7)21,224	7)2,740	7)84,126	7)10,606
Average 1849–55	21,170	2,615	3,032	392	12,018	1,515
1856	14,734	2,500	2,723	277	4,024	394
1857	15,307	2,637	2,920	261	3,925	444
1858	13,246	2,183	2,850	289	3,350	345
1859	12,470	2,222	2,563	213	3,109	318
1860	12,066	2,267	2,414	221	2,979	304
1861	13,879	2,500	2,418	232	3,271	356
1862	15,312	3,196	2,693	226	3,796	585
	7)97,014	7)17,505	7)18,581	7)1,719	7)24,454	7)2,746
Average 1856–62	13,859	2,500	2,654	245	3,493	392

Observations on the above table.

28. The decrease in the number of convictions in England and Ireland in the years 1856–62, as compared with the 14 preceding years, is attributable in great measure to the operation of the Criminal Justice Act of 1855, already referred to; and in comparing the numbers of sentences given above, it must be borne in mind that, at any rate in England, and probably in Scotland and Ireland also, sentences of imprisonment merely (which are not included) are now frequently passed in cases in which the offenders would formerly have been sentenced to transportation. Making, however, all due allowance in these respects, it seems clear that the amount of crime in England, in proportion to the population, has decreased in the last 21 years, notwithstanding the less severe system of punishment in force. In Scotland there has been an absolute decrease during the same time to a very considerable extent, and a very large one in Ireland, where the fluctuations in crime are greater, and more affected by special and temporary causes.

App. No. 6.

Crime during the last seven years.

29. Confining our view to the last seven years, we find in England and in Ireland, that there was a very considerable decrease in the number of convictions in the years 1858 and 1859, as compared with the two preceding years; that in the year 1860 crime was nearly stationary; but that in the last two years there has been a very large increase in both countries. In the year 1862 as compared with 1860, the number of convictions rose in England from 12,066 to 15,312, and in Ireland from 2,979 to 3,796; and the number of sentences of death and penal servitude in England from 2,267 to 3,196, and in Ireland from 304 to 585. In England the increase has been especially remarkable in the number of serious crimes within the metropolitan police district, where, as appears by returns laid before us by the Chief Commissioner of Police, robberies with violence have risen from 32 in 1860 to 97 in 1862, and burglaries in the same time from 179 to 259. In Scotland there was a diminution in the number of convictions in the years 1859 and 1860; no substantial variation in 1861; and an increase in 1862, not however extending to cases followed by sentences of death or penal servitude.

App. No. 5. B. C.

Causes of the increase

30. The increase in the number of offences, which is thus shown to have recently taken place in England and

in Ireland, and, to a minor degree, in Scotland, cannot be regarded as leading by itself to the conclusion that the present system of punishment is faulty. The number of crimes committed at any given time in the country, is probably less affected by the system of punishment which may be in use than by various other circumstances, such as the greater or less welfare of the population, the demand for labour, the state of the police, and the manner in which justice is administered; but, allowing for the influence of other causes, from the evidence we have received there seems reason to believe, that the recent increase of offences is at least partly attributable to defects in the system of punishment now in force, and to the fact, that there has been an accumulation of discharged convicts at home, owing to the comparatively small number sent to a penal colony since 1853.

Of crime in the last two years.

1579–97. 4945–9.

31. Penal servitude, under the present system, appears not to be sufficiently dreaded, either by those who have undergone it, or by the criminal classes in general. That many of the former are not effectually deterred from pursuing a course of crime by the fear of incurring this punishment again, is shown by the fact that a large percentage of those discharged from convict prisons are known to be re-convicted, while many more probably are so, but escape detection from the absence of any effectual means of ascertaining the previous history of those convicted of offences: and the accounts given of penal servitude by discharged convicts, and the fact that they generally come back so soon to their former haunts, tend to prevent it from being regarded with fear by their associates. It appears, indeed, that in some (though doubtless very exceptional) cases, crimes have even been committed, for the sole purpose of obtaining the advantages which the offenders have supposed a sentence of penal servitude to confer.

Penal Servitude not sufficiently dreaded.

App. No. 16.

32. The want of sufficient efficacy in the present system of punishment does not seem to arise from any error in its principles, or from its general arrangements being injudicious, but to be mainly attributable to the shortness of the punishment generally inflicted upon convicts; and, in a minor degree, to defects in the discipline to which they are subject. The want of any proper means for the supervision of convicts released on ticket of leave,

Causes of the want of efficacy of penal servitude.

and of any adequate arrangements for placing them, when their punishment is over, in a situation in which they will not be likely to return to a criminal life, together with the absence of any efficient and sure method of detecting re-committed offenders, has also, no doubt, contributed to increase the number of cases in which crimes have been committed by discharged convicts.

Diminution in length of sentences.

1845–62.

1903–8.

148.

App. No. 6. A.

App. No. 6. A.

App. No. 22.

33. There has been a remarkable diminution in the severity of the sentences passed on criminals by courts of law, in the last 20 or 30 years. Sentences of penal servitude for only three or four years are now generally passed for offences, for which, a few years ago, not less than seven years transportation would probably have been given, and which in general would have been visited with much heavier punishment. A majority of all the convicts sentenced to penal servitude receive these short sentences, and there has been a similar reduction in the terms of punishment awarded for the graver crimes. Evidence has been given that on the Western Circuit, the average length of the sentences of penal servitude during the last five years, is only about one-third of the average length of the sentences of transportation passed for similar offences in the five years, 1838–42; and the difference has been nearly as great at the Central Criminal Court. This diminution in the severity of punishment has not been caused entirely by the increasing leniency of the courts of law, but is partly attributable to the measures adopted by Parliament. In the year 1853 it was enacted (as we have already stated) that four years' penal servitude should be considered as equivalent to the former sentences of seven years transportation. And though this provision was repealed in 1857, the Act of that year for the first time authorized the passing of sentences of penal servitude for only three years. The Criminal Law Consolidation Acts of 1861 also, in several cases, diminished the previous severity of punishment.

Shortening of punishments not due to Secretary of State.

34. The injurious shortening of the punishment of convicts is thus to be ascribed, partly to the action of the Legislature, and partly to the courts of law. The Secretary of State has not exercised more largely in late years, than in former times, the power of remitting a portion of the punishment to which convicts are sentenced. Under the regulations now in force, convicts cannot

(except in special cases) obtain the remission of more than six months out of a sentence of three years, and a larger proportion, according to a fixed scale, from longer sentences. Before 1840, convicts sentenced to seven years transportation were seldom sent to penal colonies, but were kept in the hulks at home, and generally discharged after about four years punishment, if they behaved well. Convicts who were transported were never kept under punishment for the whole term of their sentences, except for misconduct. They were enlarged with tickets of leave, or conditional pardons, after a comparatively short period. App. No. 1. E. 13–8.

35. The late increase in crime coincides in point of time with the discharge of the convicts who were first sentenced for short terms, under the Act of 1857, and is probably attributable in some degree to their release from custody. But however this may be, experience shows that the discipline to which convicts are subject does not produce its proper effect in short periods, and for this reason, as well as on account of the dangerous encouragement given to their associates, by their return to their former abodes after going through short periods of punishment, it is desirable that the minimum term of penal servitude should be increased. What this minimum ought to be must greatly depend upon the manner in which the sentence is carried into effect, and, more especially, upon the decision which may be come to with respect to allowing convicts to earn a remission of punishment by industry, and good conduct. We will, therefore, defer expressing our opinion, as to what ought to be the shortest sentence of penal servitude, until we have considered these questions. Evils of short sentences. 321. 1595. 3573–7. 3799–803.

36. It is also desirable that longer sentences should be passed on habitual thieves, and professional criminals, than on persons of a different character, convicted of similar offences. There is in the metropolis, and other large towns, a class of persons who are so inveterately addicted to dishonesty, and so averse to labour, that there is no chance of their ceasing to seek their existence by depredations on the public, unless they are compulsorily withdrawn, for a very considerable time, from their accustomed haunts. Such persons may sometimes be guilty of only minor offences, yet by the continual repetition of such offences Habitual criminals. 1647.

they may inflict more loss upon the public, while they are also much less likely to become reformed, than men who under great temptation commit a grave but single crime. The law already recognizes the propriety of awarding heavier punishment to criminals on a second conviction, but this principle requires to be more fully acted upon. Many old offenders are brought to trial without being recognized as such, and more effectual means should be adopted for ascertaining any previous convictions incurred by a prisoner, and bringing them under the consideration of the court before which he may be tried for a fresh offence. We consider it to be beyond our province to enter into the inquiry as to how this object might be accomplished; but we have no hesitation in expressing our opinion, that it is one to which the attention of the Government should be directed. We have mentioned that a rule has lately been laid down by which no convict, under a second or subsequent sentence of penal servitude, is to be allowed the same amount of remission as convicts who have not already enjoyed, and abused, the indulgence of a licence. These cases are to be reserved for special consideration. If, however, remission is to be given in any case, we do not think it desirable that this distinction should be made. The object which the rule aims at will be better attained by passing longer sentences on re-convicted prisoners, than by removing their chief inducement to industry and good conduct, whilst they are undergoing their punishment.

§ 13.

Inequality of sentences.

1659–66.
1867–71.
1910–14.

37. The great latitude allowed by law in the sentences which may be pronounced, has led to a striking inequality in the punishments inflicted, by different judges, for the same offences committed under similar circumstances. This inequality is a natural consequence of the dissimilar views, which various minds, acting independently, must inevitably take, of the degree of severity properly applicable to the cases that arise. It is, nevertheless, productive of much mischief, especially by encouraging criminals to speculate on the chance of receiving, if convicted, the minimum of punishment ever known to be inflicted. There can be no question, that very great variety exists in the degree of criminality in offences which, even in the most elaborate system of classification, must fall under the same head, but we must express a doubt whether the discretion

1665–6.

intrusted to the Courts in this respect is not, upon the whole, larger than is expedient.

38. We have remarked that the length of sentences that ought to be passed upon convicts much depends, upon whether the power of earning a remission of part of their punishment by industry is to be granted to them. We have no hesitation in expressing our opinion that it ought. An aversion to regular labour is one of the chief sources of crime; it is therefore of the utmost importance that the system of punishment to which convicts are subjected should be one calculated to teach them habits of steady labour, and to associate industry in their minds with the advantages to be obtained by it. But the experience, both of this, and of other countries, has demonstrated, that it is impossible to compel convicts to work hard by mere coercion, the attempt to do so having invariably failed, while it has produced a brutalizing effect on their minds, and increased their previous aversion to labour. On this ground the late Capt. Maconochie, many years ago, recommended that the punishment to be inflicted upon criminals should be measured, not by time, but by the amount of labour they should be compelled to perform before regaining their freedom, and he devised an ingenious mode of recording their daily industry by marks, for the purpose of determining when they should have a right to their discharge. This proposal met with so much approval from the Government of the day, that Capt. Maconochie was sent to Norfolk Island, for the purpose of trying the system he had recommended in the management of the convicts detained there. The experiment did not succeed, for reasons which were sufficiently obvious, but into which we need not now enter. The failure, however, did not afford any reason for condemning the principle on which the scheme was founded, and, in fact, that principle has been adopted, to a greater or less extent, in all the various schemes of penal discipline which have been tried in the last twenty-five years. The result has been to establish the conclusion, that the hope of earning some remission of their punishment is the most powerful incentive to good conduct, and industry which can be brought to act upon the minds of prisoners. Such is the opinion unanimously expressed by all who have had the opportunity of observing its effect, while employed in the management of convicts, whether at home or in the

Reasons for granting remission. § 35.

390. 4167. 4682.

colonies. Their opinion is confirmed by the experience gained in carrying into effect the Act of 1853, under which convicts were made to serve the full time for which they were sentenced. Under this system the convicts were found to be more sulky, more difficult to manage, and much less industrious, than under the opposite one. Attempts were made to provide a substitute for the hope of obtaining an earlier release, by granting various other advantages to prisoners as a reward for good conduct, but none of the indulgences which were granted to them with this view, proved to have nearly so powerful an effect upon their minds, as the prospect of obtaining an abridgment of their punishment.*

563.
3685.
4159–64.
4763.

---

* In the Report on Convict Prisons, by Sir Joshua Jebb, lately presented to Parliament, the effect of the refusal of all remission of punishment to convicts under the Act of 1853 is thus described (p. 18):—

"The consequence was, that as hope diminished a dogged and discontented submission to discipline arose among the convicts, very different from the cheerful and ready obedience of former times, and the example of those who were suffering under disappointment spreading to others who had no such grievance to complain of, created great difficulties.

"Successive stages of discipline, each having some amelioration, were substituted for the remission of sentence; but these were insufficient to re-establish the good feeling which had prevailed; and until every man sentenced between 1853 and 1857 (altogether about 10,000) were disposed of, the state of the convict prisons was much less satisfactory than previously, or than it is at present."

And the following passage is quoted from a memorandum by Capt. Whitty, dated 13th July 1853:—

"The question of dealing on public works with the convicts under sentence of penal servitude is becoming a very serious one, and presses for immediate consideration and settlement.

"If their sentence of penal servitude is to be considered as one of actual imprisonment for the whole period awarded, their position becomes entirely different from that of men under sentence of transportation with whom they are associated; the main inducement to good conduct and industry, which has hitherto operated so beneficially in the management of the latter, will be wanting, and it is to be apprehended that the penal servitude men will become generally reckless and indifferent and that the incorrigible class, which has been almost extinguished under the system of the last few years, will comprise a very large proportion of the whole number.

"Hitherto the moral influence of the system in force, by which reward for good conduct and improvement has been combined with due punishment for the reverse, has enabled the prison authorities to employ the convicts on the public works with confidence and good effect; but if the fear of punishment alone is to be the motive to obedience and exertion in the mind of the convicts so employed, an entirely new system of guarding and coercing the prisoners will become necessary, and it is much to be apprehended that any such system, though necessarily expensive in its machinery, would be unprofitable in all its results."

39. Since the passing of the Act of 1857, the duration of the punishment of convicts has again been made to depend, in part, on their conduct and industry, but we do not think the regulations by which this has been provided for are the best that might have been adopted for the purpose. Referring to the account we have already given of the regulations in question, we have to observe, that those now in force in England seem to us to be needlessly complicated, and to have the fault, that they do not hold out to convicts a partial remission of their punishment as a reward, to be earned by good conduct and industry, but assume that this remission will be granted, unless more or less of the proffered advantage should be forfeited as a penalty, in consequence of the convicts having failed to deserve it. The distinction between this system, and that of making whatever remission of punishment is allowed to a convict something which he must earn, we consider to be one of great importance. We also think it an objection to these regulations, that they allow a part of the time which a convict has been ordered to lose for misconduct to be afterwards restored to him. The Irish rules, requiring convicts to gain a certain number of marks in order to establish a claim to a remission of punishment, make a nearer approach to what we think would be the best system; but these rules have the fault of not providing that each day's greater, or less degree of industry on the part of a convict, shall be so recorded as to have an influence on the period of his discharge. This is not affected by a deficiency of industry on one or more days, unless his exertions fall so short of what is expected from him that he fails to obtain his usual three marks in a month. Both in England, and Ireland we think it also wrong, that credit should be given for general good conduct, as well as for industry; good conduct in a prison (apart from industry) can consist only in abstaining from misconduct, which gives no just claim to reward. We likewise object to the Irish practice of giving marks for diligence in school.

Mode of recording conduct and industry of convicts in England; § 9.

§ 10.

and in Ireland. 3808–36.

3821.

40. We have stated, that in Western Australia a system has been introduced, of allowing convicts to earn, by each day's labour, a number of marks depending upon their industry, with the right of obtaining tickets of leave when their total earnings reach an amount calculated according to the length of their sentence. No credit is given to

System of marks recommended for adoption.

§ 16.

2343–53. them for good conduct, but they are liable to forfeit the marks they have earned by fines imposed upon them for misconduct. The papers laid before Parliament,* and the evidence we have obtained, concur in representing this system as having proved very successful in practice, and we are of opinion that it might with advantage be introduced into this country, with some modifications. We would suggest, that the convict should be allowed to earn daily, one, two, or three marks by a greater or less degree of industry. No marks should be allowed for days in which a convict only worked hard enough to escape punishment for idleness, but any exertion beyond this should have its proportionate reward. The marks earned by industry ought also, as in Western Australia, to be liable to forfeiture by fines for misconduct. Instead of debiting the convict with a certain number of marks, to be earned before he obtained his discharge, it would be better to take one day off the time for which under his sentence he would be subject to coercion, for so many marks earned by him. By the former system, if the convict had not been industrious during the earlier part of his punishment, or if he had incurred a large forfeiture of marks by misconduct, he would have no motive for exertion towards the close of his sentence, since he would have no chance, before it expired, of earning the amount placed to his debit; but if for every six, or some other number of marks earned by him, a day were taken off his punishment, the motive to exertion would continue in full force to the end. The amount of remission which a convict would be enabled to earn by industry, would be determined by the number of marks required to gain a day. If three marks were the maximum given for the best day's work, and also the number required to earn one day's remission, a convict who gained the maximum credit every day, from the beginning to the end of his sentence, and never incurred a single fine for misconduct, would abridge his punishment by one half. He would shorten it only by one-third, or one-fourth if six, or nine marks were required to earn a day's time.

Additional reasons for

41. Nor is it only with the view of increasing the stimulus to industry, that we think it would be right to

* Correspondence on Convict Discipline and Transportation; Presented 1860, pp. 61 & 88; Presented 1862, p. 9.

allow convicts to earn a considerable remission of punishment. We have already pointed out the injurious effects produced, by subjecting convicts to such short sentences as to permit of their early return to their former haunts, and habits of crime. Long sentences would correct this evil, but there would be a danger that their application to ordinary offences might revolt the public feeling, by the undue severity of the punishment inflicted. This difficulty would be met by coupling the passing of longer sentences with the adoption of regulations, by which convicts would be enabled to earn their release, by industry, at a comparatively early period, but only under conditions which would enable the Government to exercise sufficient control over them to prevent them from again preying upon society. We are aware that this is what has been already attempted, by discharging convicts under licences to be at large, popularly known as tickets of leave, and that this practice has created very general alarm, and strong objections. Nor do we doubt, that as the law now stands, and has been administered, there has been sufficient cause for the feeling that has arisen, and that the return of a large number of criminals from the convict prisons, after comparatively short periods of detention, has really been attended with very serious evil. But the evil has been mainly caused by their too early release, and their release under conditions which have not practically been enforced; and their having been discharged so soon, as we have already observed, is the result of the great abridgment of the sentences which have, of late years, been passed upon criminals. The great majority of the convicts recently released at home under licence, have been sentenced to penal servitude for periods of three, or of four years, consequently, under the existing regulations, they cannot have obtained this indulgence more than six months, in the one case, or nine months, in the other, earlier than they would have been entitled to their unconditional discharge by the expiration of their sentences. Their detention for so short an additional time could have made but little difference in the protection afforded to society, and would have been dearly purchased by the deterioration of the discipline of the convict prisons, which must have resulted from depriving the prisoners of the prospect of earning any mitigation of their punishment. We cannot doubt, that less injury is likely to result to society, from discharging convicts sentenced to three years penal servitude at the

granting remission.

§ 35.

148.

end of two years and a half, if they make good their claim to this indulgence by industry and good conduct, than from the discharge of the same men six months later, after having worked out their whole sentences under a system of discipline maintained by mere coercion.

Supervision of licence holders and revocation of licences.

42. We see nothing, therefore, in the result of the experiment of discharging convicts under licence, as it has been hitherto tried, to lead us to anticipate that such a system would fail if carried into effect in a different manner. We believe, on the contrary, that this system, coupled with a general prolongation of sentences of penal servitude, and arrangements for placing convicts, when so discharged, under effective control and supervision, would afford the best prospect of giving to society a real protection against criminals, without subjecting them to undue severity. No doubt there would be much difficulty in securing an effective supervision of convicts discharged at home under licence, but the object is one of such extreme importance that it ought to be attempted. With this view we are of opinion, that licence holders ought to be placed under the supervision of an officer of the convict department, who, with proper assistants, should discharge with respect to them the duties performed in Dublin by Mr. Organ. As in Dublin, the support of the police ought to be given, when required, to the officers entrusted with this task, but in other cases the police should abstain from any interference with the licence-holders, in order not to increase the difficulty of their obtaining employment. Some changes in the law would be necessary, in order to enable the Government to exercise a proper authority over this class of convicts. In the first place, in order that a licence holder may be compelled to preserve his licence, it ought to be made an offence for him not to produce it, when duly required; and there ought to be a power given to apprehend licence-holders believed to have been guilty of misconduct, before the actual revocation of their licences. Provision should also be made for enabling magistrates to hear evidence upon oath, as to any breach of the conditions indorsed upon the licence, imputed to a licence holder, and to adjudicate upon the fact, with a view to the revocation, or, in trivial cases, the suspension for a longer or shorter time, of the convict's licence. Above all, it ought to be provided, that if a licence holder is convicted of any

serious offence, this shall be considered such a breach of the conditions of his licence as to cancel it, making him liable to be remanded to a convict prison, for the whole portion of his original sentence that remained unexpired when he was discharged, to which should be added the term of any new sentence he might have incurred. This last provision would remove one of the causes which has most tended to render nugatory the conditions indorsed upon licences. Under the law as it stands, these licences have generally not more than six or nine months to run when first granted; hence, if the holders are committed to prison for some new offence, it generally happens, that by the time they come out, so little, if any, of their original sentence remains unexpired, that it is not worth while sending them back to a convict prison, where perhaps they would only be detained for a few days. They thus practically escape incurring any punishment whatever for the breach of the conditions on which they were released. In making these changes for the more effectual control of convicts discharged with licences, we think it would be right, also, to alter the terms on which they are granted in their favour, by omitting the words which render the licences available only within the United Kingdom. Under these words it seems that, in strictness of law, licence holders are guilty of an offence if they emigrate to a colony, while it certainly is undesirable to oppose any obstacle to their doing so.

1638. § 42.

43. We are of opinion, that by the arrangements we have now suggested, the discharge of convicts at home, under licence, might be so guarded as to render them less dangerous to society than heretofore, since those among them who attempted to resume their habits of crime would speedily be sent back to punishment. But we are far from confident that persons in this condition would find it easy to obtain an honest livelihood. Men with characters branded by their having been convicts are exposed to an almost insuperable disadvantage, in the strong competition for employment in this country. Although this difficulty has been less felt in Ireland, than in England and Scotland, in consequence of the exertions of Mr. Organ, yet even there, though some masters are willing to employ liberated convicts from motives of charity, it is necessary carefully to conceal their previous condition from their fellow workmen, who would otherwise refuse to work

Difficulties of discharged convicts in obtaining employment.

1583–5. 4950.

4536. with them. This feeling amongst the free working population is one which it is neither possible, nor desirable to remove. Thus all the most eligible employments are practically closed against those who have once been convicts, unless they can conceal the fact; but the necessity of living a life of concealment, and the liability to be exposed at any moment by some former associate in crime, are not only the source of great misery to such men, but are far from favourable to their moral improvement. Hence it has always been the main object of those persons who have taken an interest in the welfare of liberated convicts, to encourage, and assist them to emigrate. Hitherto this has been accomplished, to some extent, without allowing the fact that such emigrants have been convicts to become generally known, but it is obviously impracticable that this could be carried far. It would be impossible to enable any large number of convicts to emigrate without their being recognized as such; and, if it were possible, it would be wrong for the Government to take any measures for that purpose.

Convicts to be sent to Western Australia.

44. But we believe that it is highly desirable to send convicts, under proper regulations, and without disguise, to a thinly-peopled colony, where they may be removed from their former temptations, where they will be sure of having the means of maintaining themselves by their industry if inclined to do so, and where facilities exist for keeping them under more effectual control than is practicable in this country, with its great cities, and large population. This mode of disposing of convicts affords by far the best chance of making them useful members of society. We therefore think, that removal to a penal colony should be the ultimate destination of as many as App. No. 20. possible of the convicts who are fit to be sent out. We are confirmed in this opinion by an interesting report we have obtained, through the Foreign Office, from the Counsel to Your Majesty's Embassy at Paris, as to the results of the various measures which have been taken in France, to protect society from the evils arising from the discharge of criminals after their punishment. It appears that so long ago as the reign of Louis XIV. convicts discharged from the galleys were placed under the control, and superintendence of the police; that the mode of exercising this control has undergone various changes; but that under whatever modifications the

system has been tried, the results have been highly unsatisfactory, from the extreme difficulty the discharged convicts meet with in earning their subsistence in their own country. For this reason it has of late been determined, that as many convicts as possible shall be removed from France, and be placed, when relieved from penal labour, under surveillance in a colony. For those who cannot be so removed, it is considered necessary for the security of society that they should still be kept under control, notwithstanding the difficulties to which the means taken for enforcing it have given rise. The policy recently adopted by the French Government as the last result of its experience is thus, it will be seen, precisely that which we have recommended for this country. Fortunately the means exist of carrying our recommendation into effect, since Western Australia is admirably adapted for receiving convicts.* The inhabitants are extremely desirous that they should be sent there in larger numbers than heretofore; a well-constructed prison, and other buildings sufficient for the purpose have been provided; physical obstacles, which are quite insuperable, prevent the escape of convicts by land, and there are great facilities for preventing it by sea. The country is far from being so richly endowed by nature as some of our other colonies, yet it possesses resources, as we shall hereafter show, quite sufficient to provide a field for the profitable employment of a large amount of labour. We recommend, therefore, that, with the exception of those who are physically or otherwise unfit for it, all convicts sentenced to penal servitude for any term of years should be ultimately sent to Western Australia.

2317. 2517. 2831. 2681–6. § 72.

* The following passage is extracted from the report (dated March 20, 1861) of Col. Henderson, then Comptroller-General of Convicts in Western Australia :—

"Some doubt seems still to hang over the question of the continuance of transportation to this colony, and it may not be irrelevant to record once more that there exists here facilities and an almost certainty of success of such a system as that now in force, which in all human probability will never recur.

"An extensive territory constituting a vast natural gaol, with innumerable resources slowly but surely developing themselves, a large leaven of free settlers anxious and willing to co-operate with the government in the progress of transportation as here established, necessaries of life at a reasonable price, an excellent climate, and a well-organized convict department with all the means and appliances necessary for the full and efficient performance of its duties in working out a system hitherto so successful, form a combination of facts which may hereafter be sought in vain."—Correspondence on Convict Discipline and Transportation ; Presented 1862, p. 10.

Sentences of transportation not to be revived.

780–90. 1730. 4324–26. 5602

45. We do not, however, advise that sentences of transportation, as a distinct punishment, should again be passed by the judges. Though the effect of such sentences, on the minds both of criminals and their friends, was formerly very great, all the evidence we have received tends to show, that mere removal to a penal colony is no longer regarded with the same apprehension as it was, by the majority of convicts; nor is it likely to be so, considering how popular emigration has of late years become, and how many thousands of the free inhabitants of the United Kingdom annually proceed of their own accord to our colonies. The principal secondary punishment to be inflicted on criminals must mainly depend for its deterring effect, on imprisonment with forced labour, in some form or other; a punishment correctly described as "penal "servitude." But as we have recommended that, in general, a considerable part of this punishment should be undergone in Western Australia, we think it would make the punishment to be inflicted more generally understood, if the sentence pronounced in court were, "penal ser- "vitude for years, to be undergone in such "place, at home or abroad, as Her Majesty may direct." The law already, very properly, invests the Crown with a discretionary power, as to the place to which convicts sentenced to penal servitude shall be sent for punishment, and, if they are generally to be removed to a penal colony, it is highly necessary to intrust this discretion to the executive Government, since a very large per-centage of convicts are unfit to be sent abroad, from circumstances which are often unknown at the time they are tried; for this reason, even when the sentence passed by the courts was transportation, the Crown had the power of keeping the convicts at home, and this power was always largely exercised. By altering the form of the sentence in the manner we have proposed, it would be brought into strict conformity with the fact.

Length of sentences of penal servitude in future.

46. In the preceding paragraphs we have recommended, in general terms, that sentences of penal servitude should not in future be passed for such short periods as has of late been usual, and that convicts should have the power of earning their discharge, with tickets of leave, before these sentences expire, being then placed under strict supervision, for the most part in Western Australia, but in some cases at home. If the principle of the above

recommendation should be admitted, it would still remain to be determined, what ought to be the minimum term for which the sentence of penal servitude should be passed, and what ought to be the proportion of the time for which he is sentenced that a convict ought necessarily to spend under coercion. These are points on which it is difficult to come to any positive judgment, as the determination must to a certain extent be arbitrary. With respect to the length of sentences, we are of opinion, that it would be advisable to adopt for penal servitude the same minimum of seven years, which was formerly in use with respect to transportation. We believe that the practice of not passing sentences of transportation for shorter terms was found to answer, and that it was sound in principle, inasmuch as it drew a broad distinction between those offenders who would be sufficiently punished by simple imprisonment, and those whom it was requisite, for the safety of society, to subject for a considerable time to control, though not necessarily for the whole of that time to coercion. We see no reason why this principle should be abandoned, because sentences of penal servitude have taken the place of those of transportation. The provision of the Act of 1857 allowing sentences of penal servitude for only three years to be pronounced, was, as we believe, introduced under the impression, that there would be too wide an interval between seven years penal servitude, and imprisonment for eighteen months, which, in practice, though not in law, had in general become the maximum term of imprisonment in county prisons, in consequence of its having been found, that in many of them the discipline was too severe to be continued longer with safety. We submit that this difficulty would have been better met, by making provision for improving the existing arrangements for enforcing sentences of imprisonment. How this may be best accomplished is a question which does not come within the scope of our Commission; but we have learnt with satisfaction that the state of the county prisons has been submitted to the scrutiny of another authority. We trust that this inquiry may lead to the removal of the difficulties which now exist in carrying into effect longer sentences of imprisonment. Should this be accomplished, the only difficulty we can anticipate in adopting the recommendation we have offered would be removed. We think that penal servitude for seven years, with power to the convict of reducing, by

industry and good conduct, the time to be spent in actual coercion, might well form the punishment next in degree to imprisonment for three years, or even for two. If, however, this change should be adopted, it would be necessary to reconsider some of the provisions of the Criminal Law Consolidation Acts of 1861. By these Acts three years penal servitude was not only retained as the minimum, but was applied as a maximum to a variety of offences, the greater part of which, such as a first offence of simple larceny, were previously punishable by imprisonment only. We give a list of these in the Ap- App. No. 22. pendix. It will be for Parliament to decide in which of these numerous crimes, the higher sentence of penal servitude now proposed as a minimum may, without undue severity, be imposed.

Amount of remission to be allowed.

47. We would suggest, that the amount of punishment to be remitted to convicts, should be regulated, by allowing them one day's remission for every six marks earned by them, in the manner we have described above, while employed on public works. We do not propose that they should earn marks while in separate confinement, because they are not then subjected to hard labour, and cannot therefore reasonably claim what is intended as a reward for industry. By this arrangement, a convict, by the highest industry throughout the time of his punishment, coupled with the absence of any misconduct, would be enabled to obtain his ticket of leave when he had completed two-thirds of the time he would otherwise pass in associated labour. Some additional remission ought, we think, to be granted, in certain cases, to convicts sent to Western Australia, but putting this, for the present, out of consideration, the arrangement we have suggested would enable a convict sentenced to seven years penal servitude, to gain his discharge at the end of four years and eleven months, since after passing nine months in separate confinement, he would be sent to a public works prison with six years and three months of his sentence still to run, of which he might earn the remission of one-third, or of two years and one month. Perhaps the proposal that convicts should be allowed to earn so great a mitigation of punishment may be considered as objectionable, but we would point out, that this remission must be considered in connexion with the proposed prolongation of sentences; and that the scheme, as a whole,

would make four years and eleven months the shortest time convicts remaining at home would have to continue under punishment, instead of two years and a half, or three years and three months, as at present; while instead of receiving a practically unconditional discharge, they would be placed under strict control when released from prison. And there are two strong reasons for not diminishing the proportion of the convict's sentence, during which we have suggested that he should be allowed to enjoy the benefit of a ticket of leave. In the first place, the motive to industry must necessarily be stronger as the advantages to be gained by it are greater, and as a proof how much this consideration tends to support our recommendation, we beg to refer to the fact, that Captain Warden in stating* that the progress of the works under his charge at Gibraltar had not of late been "commensurate with the amount of convict labour bestowed upon them," expressed his opinion that this evil, which he said was not likely to diminish, had arisen, in a great measure, from changes in the law and practice reducing the advantages convicts can earn by industry. He points out that under the regulations in force up to 1853, a prisoner sentenced to ten years transportation could obtain his release on licence at the expiration of four years, whilst one sentenced to ten years penal servitude under the Act of 1857, can only hope for it at the end of seven and a half. In the second place, early release with a ticket of leave implies a corresponding prolongation of the time convicts would have to pass at large, under the control to which the holders of these tickets are subject. This would be a highly beneficial result of the changes we have recommended, since the evidence of Captain Kennedy and Colonel Henderson is very strong, as to the advantages of keeping convicts under this control for a considerable time in Western Australia, to which colony, according to our proposal, all who are fit for it would be sent. 2400–9. 6130–4. 6350.

---

48. Having thus described the most important changes which we consider to be required in the system of punish- Separate confinement, changes desirable in.

* Report Committee of the House of Commons on Transportation 1861, App. No. 2. II. 4. p. 142.

ment now in use, and having explained our reasons for thinking, that, with these changes, penal servitude ought to continue to be the principal secondary punishment for criminals, we will now proceed to point out the improvements, which we think might be introduced, into the existing arrangements for carrying this punishment into effect.

The separate confinement to which convicts sentenced to penal servitude are, in the first instance, subjected, seems to be regarded with great dislike by most of them, and especially by those who are criminals by profession. 259. 2291. It appears that owing to the want of room in the prisons for separate confinement, and the demand for labour on public works at Portland, and Chatham, the period of separate confinement, during the last year, has fallen so App. No. 7. A. short of the nine months prescribed by the regulations, that the average has been only seven months and twenty days. Arrangements ought at once to be made for remedying this. We are of opinion, that convicts ought to be kept in separate confinement for the full period of nine months, except in the case of prisoners who are found unable to undergo it so long without serious injury to their bodily or mental health. No considerations of expense, whether connected with the necessity for additional buildings, or with the loss of the labour of the convicts, ought to be allowed to prevent this stage of punishment from being continued for the time prescribed by the regulations. We think too, that though separate confinement, even under the present system, is, as has § 20. been said, extremely distasteful to convicts, this wholesome effect on their minds might be increased. It has 3161. been already mentioned that in Ireland the diet is lower during the first four months; and that no work is given to the prisoners for the first three months, except such as is of a simple and monotonous character, in which they require little or no instruction. This practice has 2047. been adopted because it has been found, that by far the greater number of convicts have no knowledge of any trade, and when first taught one, must necessarily be constantly visited by their instructor, whose visits tend to mitigate the irksomeness of separate confinement. There appears to us to be much force in the reasons which induced the directors of the Irish convict prisons to adopt these means for rendering separate imprisonment more formidable, and we therefore recommend that attempts

should be made, with due caution, to give a more deterrent character to separate imprisonment in the English prisons.

49. We have next to consider that part of a convict's sentence which is passed in associated labour, in one of the public works prisons. Public Works.

A very general impression appears to prevail, that the system pursued in these prisons is not of a sufficiently penal character. It has been said, that but little work is done by the convicts, that their diet is excessive, that they receive unnecessary indulgences, that their material condition is in many respects better than that of free labourers, and that consequently the punishment cannot be severely felt. We consider that upon the whole this impression is erroneous. The life of the prisoners is extremely monotonous. Having been used in most cases to constant change and excitement, they are debarred from all pleasures and amusements, they are compelled to pass their time in a dull, unvarying routine of distasteful labour, and at the close of each day's work they return to the cheerless solitude of their cells. The work which they get through is no doubt less than what a regard for their own interest induces free workmen to perform, but the labour is by no means light, as we shall show more fully presently; and considering the previous habits and character of the convicts, and that they are working under compulsion, there can be no doubt that it is much disliked by them. Some of the supposed indulgences which have been observed upon are inevitable. For instance, it has been noticed that the prisoners are often called in from their work during rain, when free labourers would remain out; but this, as explained by Sir Joshua Jebb in his evidence, arises from the difficulty of drying the clothes of a great number of men at once. That being well lodged, and well fed does not reconcile convicts to the irksomeness of prison life, is proved by the strong desire which they almost all express for release, or even for any temporary change. We doubt, therefore, whether any great augmentation of severity, in the treatment of convicts during their punishment, is practicable, especially when we consider that the imprisonment lasts, in many cases, for several years. The prolongation of sentences must, we think, be chiefly trusted to, for increasing the fears entertained of penal servitude

Punishment more severely felt than is generally supposed. 3134. § 56. 717. 6091.

by the criminal classes. At the same time, there are some improvements in discipline which we think might be introduced with advantage, and which would perhaps add to the deterrent effect of the punishment, and to these we propose next to call attention.

Diet on public works.

2990. 5610.

50. An opinion has been expressed by some of the witnesses whom we have examined, that the present scale of diet in the public works prisons is excessive, and from an elaborate comparison between the diet of convicts in the convict prisons in England, and that of paupers in workhouses, and of free labourers, in the same country,

App. No. 21.

furnished to us by a gentleman of the Poor Law department, it certainly appears that the former are much better fed than either of the two other classes. On the other hand, Mr. Evans, who has had great opportunities of observing free labourers engaged in works of the same nature as those which are carried on at the public works

6061–3.

prisons, has stated, that the food consumed by them is superior, both in quantity and in quality, to that given to convicts, and that he did not think the diet of the latter better than is necessary, considering the labour exacted

540–58.

from them. It has been shown also, that the present dietary has been arrived at by degrees, such changes as were suggested by experience, having been from time to

4155.

time made on good medical advice. Under these circumstances we are not prepared to recommend positively, that the rations of these prisoners should be diminished, but we think it desirable that experiments should be tried, in order to ascertain whether any reduction can safely be made.

Prisoners to be divided into classes kept separate from each other.

51. The system of dividing the convicts in each prison into different classes, kept entirely separate from each other, has been adopted in Ireland. In England, though the convicts have generally separate cells at night, the whole body are paraded together when they go out to work, and on other occasions. This is both unfavourable to the best system of discipline, and dangerous in the event of a disturbance, as was shown by the outbreak at

4127–40.

Chatham in 1861. It would be desirable that convicts should be divided into bodies, not exceeding from two or three hundred each, and that these bodies should be prevented from having any communication with each other. The division of convicts into classes in this manner, would

afford great advantages for the maintenance of discipline. One class should consist of all violent and dangerous convicts, who ought to be subjected to severe coercion. Some classes might be made more penal than others, in respect to diet, or otherwise; others, on the contrary, being more nearly assimilated in discipline to the advanced classes in the public works prison in Ireland. It is not necessary that these classes should be at different places, provided the buildings, and the arrangements for labour were so contrived, as effectually to prevent communication between the men in different classes. By having them together, one superior officer could control the whole. 5631.

52. In some of the public works prisons, acts of violence on the part of convicts against their fellow-convicts, or the officers, have been common, and do not appear to have been punished with the necessary promptitude and severity. For assaults of this nature, and also for some other kinds of prison offences, corporal punishment seems to be better adapted than any other. The restrictions in the use of this punishment which have been introduced seem to be injudicious; the infliction of four dozen lashes, and with the severer cat formerly used, ought to be allowed in place of two dozen with a lighter cat, which is the maximum of corporal punishment now permitted. Greater promptitude in the infliction of corporal punishment is also required, since its utility much depends upon its being prompt. At present it cannot be inflicted without the authority of one of the Directors of Convict Prisons, and it is impossible for these officers to visit the distant prisons, at Portland and Dartmoor, more than about once a month. We do not think that it is advisable to give to the governors of these establishments a general power of resorting to corporal punishment; but the Directors might properly be enabled to leave with the governor conditional orders to inflict it in certain events; as, for instance, when a man has threatened to commit any offence, or when a repetition of previous misconduct is apprehended. The legality of such an order, as the law now stands, seems to be doubtful. It is also desirable that a county magistrate should have authority, under a warrant from the Secretary of State, to act in the place of a Director in ordering this punishment for prison offences.

Acts of violence.

App. No. 3b. C.

Corporal punishment.

1278.

4051–56.

3905.

3135.

53. There ought to be at all the great penal establishments, such a number of cells, properly constructed for

Cells for separate con-

finement at public works prisons required. 3951–4143.

separate imprisonment, as to admit of inflicting this punishment on men in associated labour, who are adjudged to it, without sending them back to Millbank or Pentonville. The journey is considered a relief from the monotony of prison life, and takes off much from the fear of being remanded to separate imprisonment.

Schooling.

54. The practice of giving each convict half a day's schooling a week, in the hours that would otherwise be devoted to labour, is objectionable. It is in effect giving the men a weekly half holiday, and thus diminishes the amount of labour imposed upon them, which is necessarily, from other reasons, less than would be desirable. There is no reason why the convicts in Public Works Prisons should not have their schooling after working hours, as is the case in Ireland. Two hours' schooling on alternate evenings might, without difficulty, be given to each convict, and an endeavour ought to be made to improve the quality of the instruction.

5589–92.

5637.

For the purpose of having school in the evening it would be necessary to build additional class rooms, and an increase in the staff of officers would also be required. Such an increase is, however, wanted at all events, as we shall have occasion to mention later.

§ 62.

Communication with free labourers.

55. The employment of convicts where they can hold communication with free labourers is objectionable, and ought not to be allowed. For this reason, work in a dockyard, where such communication can hardly be prevented, is not suitable for convicts. We find that at Portsmouth, the acts of violence committed by the prisoners against their officers, and fellow-prisoners, far exceed in number those committed either at Portland, or Chatham, and this is probably in a great measure attributable to their being so much mixed up with ordinary workmen, which inevitably leads to breaches of discipline. It appears, however, by the evidence of Mr. Evans, that even at Portland and Chatham, the convicts have occasional opportunities of communicating with free labourers. Every precaution ought to be taken to prevent this.

5457.

App. No. 3 b. C.

5991–7. 6095.

Work done by convicts.

56. We have thought it desirable to make a special inquiry as to the degree in which convicts are made to exert themselves, and also as to the value of their labour, and the judgment with which it is applied. Though discipline, and the maintaining the penal character of the

labour, ought to be the first objects, it is of great importance, also, to obtain as large a return from it as possible; and this not merely from financial considerations, but on account of the moral advantage which results from employing the men on work which they know to be useful. Convicts naturally show much greater industry, and exert themselves more cheerfully, when they feel that their 6092.
labour is really valuable, than when it appears to them to be wasted or misapplied; and in useful work they acquire a training which is most valuable to them after their discharge. In order to obtain the requisite information as to these points, we have not only examined several of the officers of the convict department, and referred to the accounts of the work executed by convicts, contained in the reports of the directors annually presented to Parliament, but we have thought it desirable to have an inquiry conducted on the spot, by a person thoroughly qualified to form an opinion on the subject, and wholly free from bias. Mr. Evans, who has been engaged for many years in superintending important works, executed by large contractors, and who is entirely unconnected with the convict establishments, was accordingly appointed to visit the prisons of Portland and Chatham, and to report to us on the work done by the convicts there, and on the prices which should be placed on it. His evidence shows, 5966.
that, making due allowance for the want, on the part of many of them, of any previous practice in similar labour, the work obtained from the convicts confined in these prisons is as much as could be reasonably expected. He stated to us that, in his opinion, two convicts employed in 5979. 6091.
quarrying at Portland, or in making excavations at Chatham, did the work of one free labourer, and this difference, great as it is, does not appear to be more than is accounted for by the previous training of the latter, and the different circumstances under which he works. Mr. Evans also informed us that he considered a fair valuation was put on the work done, in the accounts contained in the reports of the directors of convict prisons. A paper in the App. No. 3 a.
appendix, taken from these reports, will show, that according to this valuation the public has received a very considerable return, in the work done by convicts, for the expense which they have occasioned. Upon the whole the result of the inquiry may be considered satisfactory; more especially, as we believe the industry of the prisoners to afford a sure indication, that the discipline maintained

among them is efficient, and that the establishments are generally in good order. This conclusion is confirmed by the evidence we have obtained, and we think that the Directors of Convict Prisons, by whom the present system of associated labour has been organized, and also the officers under whose immediate superintendence it has been carried on, are entitled to great credit, for their successful exertions in the discharge of their arduous duties.

Warders.

57. There are, however, some points connected with the labour of convicts, in which we think alterations might be introduced with advantage. The principal defect in the existing system, is in the discretion allowed to the warders in recording the industry of prisoners, considered in connexion with the practice of making the pay of the former depend upon gratuities, given for the efficiency with which they enforce labour. The evidence is conflicting as to whether the warders are subject to any bias in the performance of their duty, by fear of the convicts under them, or by the impression, that by not being very strict in their reports as to deficiencies in the labour done, they are more sure of obtaining their gratuities. On the whole, it appears probable that the warders seldom knowingly yield to the influence of such motives; but, on the other hand, we feel bound to say, that the mode of keeping the record of the conduct of the convicts, and of paying gratuities to the warders, exposes those officers to an undue temptation. We therefore consider it desirable that the warders should cease to receive gratuities, their salaries being proportionally increased. This change, together with the more precise and accurate method of recording the industry of convicts, by means of the system of marks which we have already suggested, will, we trust, obviate the evil we have pointed out. As the work of the convict is already carefully measured, a comparison of the amount done with the total number of marks assigned to the men working under each warder, will afford to the superior officers of the establishment, the means of judging of the fairness, and discretion with which marks are given. It has been found in Western Australia, that this check upon the warders has been sufficient to insure their proper performance of this important duty. For the full success of this arrangement it is, however, requisite that the work should be carried on under warders who understand it,

348–65. 2991. 3837–44. 4036–42. 5438. 5543. 6046–9.

§ 40.

and are competent to direct, and instruct the men under their charge.

Task-work.

58. In order still further to promote industry on the part of the convicts, we should have been disposed to recommend that they should labour by task-work, were it not for the strong opinion of its impracticability generally expressed by the witnesses. We cannot venture to resist their evidence on such a question, but we think it right to call attention to the fact, that a system of task-work was adopted for convicts in Van Diemen's Land, when Sir William Denison was governor of that colony, and apparently with great success.*

701. 2456. 4033–5. 6043-4.

Work done by convicts for other departments to be contracted for.

59. Some difficulties have arisen, both in this country, and in Western Australia, from a division of authority between the officers of the Convict Department, and the officers of other departments of the Government, for which works have been carried on by convict labour. To obviate the recurrence of such inconvenience, the principle should be laid down, that the Convict Department, in the execution of public works, should stand to other departments of the Government precisely in the position of contractors. The Admiralty, or other department for which work is to be executed, should give precise instructions and specifications with respect to it to the Directors of Convict Prisons, and the latter should have power, without being in any manner interfered with, to carry on the work in the manner they might judge best for the discipline of the convicts. The value of labour

5673–5. 6102–8.

---

* See correspondence on convict discipline and transportation presented to Parliament in February 1849. A despatch from Sir W. Denison to Earl Grey, of December 5, 1847, states that difficulties had been experienced in establishing a system of task-work, partly from want of officers, but that it is in operation in many places, and will gradually be extended to all the convicts in the employment of Government, p. 117.

Despatch from Sir W. Denison to Earl Grey, of June 27, 1848. "The "returns as to the working of the system of task-work are very satis- "factory, and every day tends to prove that it is producing a most "beneficial effect upon the conduct and discipline of the men," p. 244. "The men working by task have an interest in their work, and "labour willingly, and their conduct is in every way improved." In the report which accompanied this despatch the Comptroller-General says, "The introduction of task-work has become the stimulus to in- "dustry hitherto wanting, and has in many cases produced a remarkable "revolution in the character of the coerced labour of the gangs," p. 249.

performed by convicts for other departments ought to be ascertained, as nearly as possible, as if it had been performed by contractors, and should be charged for accordingly.

Quarrying stone best work for convicts.

60. The best employment for convicts seems clearly to be the quarrying and dressing of stone; they can be kept together in a small space, and easily prevented from having any intercourse with other workmen, and the labour is severe, and, compared with any other work in which convicts can be employed, profitable. The training, too, and the skill which they acquire, are of a kind likely to be extremely useful to them, especially to those who are removed to a colony. It is therefore extremely desirable that this description of labour should be continued, and, if possible, extended.

Gratuities.

61. We have mentioned, that the gratuities given to convicts are much higher in England than in Ireland, and it appears, that the considerable sums of money which English prisoners may thus become entitled to receive, have a very bad effect, in rendering a sentence of penal servitude an object, in some rare cases, rather of desire than of apprehension. Nor is it only the too large amount of gratuities convicts have sometimes a right to receive after their discharge, which we regard as objectionable; it is also a serious fault in the existing arrangement, that it enables those who have been longest under punishment (that is, those who by the greatness of their crimes have incurred the severest sentences,) to leave prison with the most money due to them. This is the necessary consequence of allowing convicts to begin earning weekly gratuities, after six months good conduct. In our opinion, it would therefore be advisable, to provide against convicts becoming entitled to such considerable sums after their discharge, by diminishing the period during which they have the privilege of earning gratuities, rather than by reducing the weekly rates which are now allowed; and we would recommend that this privilege should constitute part of the reward given, for good conduct, to men during the latter part of their imprisonment. Convicts in the Irish intermediate prisons, and in the road parties in Western Australia, are allowed to spend a weekly portion of their earnings in procuring for themselves certain indulgences; we approve of this regulation, as it affords additional encouragement for good conduct.

App. No. 16.

62. The number of Directors of Convict Prisons appears to be insufficient to meet the amount of duty now imposed upon them. Some important observations on this head will be found in the Appendix. We have also to observe, that although the Directors of Convict Prisons nominally constitute a board, they never meet as such, nor perform any duties in their collective capacity. Each acts singly in his own particular division of the business, under the general control of Sir Joshua Jebb as chairman of the Board. We are of opinion that this division of labour ought to continue, and that the authority of the Chairman over his colleagues ought to be maintained; upon any matters on which there may be a difference of opinion his decision ought to be final, subject of course to the approval of the Secretary of State. Advantage would, nevertheless, as we think arise, if, recognising the supremacy of the Chairman, the Directors were occasionally called together, as a board, in order to consider the more important questions which arise as to the management of the Convict Prisons, and especially the report annually submitted to Parliament. More perfect opportunities than now exist would thus be afforded to the Directors for communicating with each other, and consulting together, while the unity of authority it is so desirable to preserve would not be interfered with. There also appears to be great need for more subordinate officers in the English convict prisons generally, and especially in those for female convicts. It is bad economy not to have sufficient strength in a penal establishment, to admit of the effective discharge of their irksome duties by the officers, without an undue strain upon their minds and bodies. The office of one of the Directors of Irish convict prisons has recently been abolished, and there is now only one Director; this reduction appears from the evidence of Captain Whitty to have been inexpedient; and we consider, that the Irish Board ought to be placed in the same position as it was in before Sir Walter Crofton's retirement.

Increase of staff.

App. No. 3 b. D.

3122–6. 4808–12.

3804–7.

63. It appears by the evidence, that convicts on the public works, no longer enjoy such frequent opportunities of seeing the chaplain in private, as they did when Portland prison was first established. This should be corrected.

Visits of chaplain. 1122. 1281. 4858–64.

With reference to the religious instruction of convicts, we think it necessary to notice, that Captain Gambier,

Changes of religion.

one of the directors of convict prisons, has stated, that Roman Catholic convicts, who are fit for labour in public works, are collected together in Portsmouth prison, and that for the purpose of carrying into effect this arrangement (which is in itself a proper and convenient one) men who change their religion are removed from one prison to another. This having been discovered by them, they constantly profess such a change for the sake of
4215. obtaining a removal. Captain Gambier informed us that this was becoming a serious difficulty, which he was at a loss how to meet. In our opinion it ought to be met decisively, by establishing the rule, that while convicts are to be at full liberty, when received, to declare to what religious denomination they wish to be considered as belonging, no notice can be taken of any desire they may subsequently express to be transferred to another.

Penal establishment at Gibraltar.

64. Before we leave the subject of the public works prisons we have to mention, that we have not thought it necessary to take any evidence with regard to the penal establishments at Bermuda, and at Gibraltar. The former has just been broken up; and full information with regard to the latter, is to be found in the evidence taken by the Committee of the House of Commons on transportation in the year 1861, and in the appendix to its Report. From these we learn, that the establishment at Gibraltar is a place for carrying into effect the part of the punishment of convicts which consists of labour on public works, while for this purpose it seems to possess no advantages, but, on the contrary, to be under many disadvantages, as compared to prisons of the same character at home. The building used for a prison is a most imperfect one, affording no means of separating the convicts from each other at night, and little of the accommodation required either for discipline, or for health. If convicts are to be kept at Gibraltar a new prison ought, therefore, to be built for them; but, in addition to the objection on the score of expense, there would be great, if not insuperable, difficulty in finding a proper site for the building. Partly owing to the defects of the present prison, partly to the climate, the sickness among the convicts is far greater than in England. There is also much greater difficulty in securing the services of efficient warders, nor does it appear that there is any economy in the employment of convicts on the works now in progress at Gibraltar. Captain Warden, who has the

superintendence of the Admiralty works there, says, that instead of convict labour being an advantage, there would be a saving of 1,000*l.* a year from substituting free labour for it, and that there would be no difficulty in obtaining, at short notice, all the workmen who would be required, from the neighbourhood of Cadiz and Seville. Colonel Stehelin, who is in charge of the military works, speaks less decidedly, but even his statement fails to show any gain from the employment of convicts. An expense of 10*l.* is also incurred in sending each convict to Gibraltar, and about half that sum in bringing him home. These facts we consider to leave us no room for hesitation in recommending, that no more convicts should be sent to Gibraltar, and that the establishment should be broken up as soon as possible.

Removal to Western Australia.

65. Having called attention to the changes which we think ought to be introduced in the mode of carrying into effect that part of the punishment of Penal Servitude which is to be inflicted in this country, we proceed to consider the questions which arise as to the removal of convicts to Western Australia.

We have already stated our opinion, that all convicts sentenced for any term of years, who labour under no disqualification, ought ultimately to be sent to Western Australia; and we shall show hereafter that the colony may, by judicious arrangements, be enabled to receive as many as there is likely to be any occasion to send from this country. The convicts eligible for removal have, of late years, been comparatively few, and quite insufficient to meet the demands of the colony. This has chiefly arisen from the very short sentences passed, to which we have already adverted. It has been properly considered, that about half of the sentence ought to be passed under coercion at home, and that the convict ought to be some time in the colony before he obtains his ticket of leave. If these conditions are to be complied with, it is obvious that no men sentenced for very short periods can be sent out. It was stated in the circular of 1857, to which we have already referred, that the selection of convicts for removal to a colony would be made, as far as possible, from among those whose sentences were for terms of not less than seven years; a considerable number, however, of those sentenced for shorter terms have been sent, and the rule

§ 44. § 72. § 80. § 33. App. No. 1. E.

as to the previous time of detention in this country has also been departed from, yet the numbers available have been insufficient. Whether it will be possible to send more in future years, must depend in great measure on the course which may be adopted with reference to the prolongation of sentences. If, as we venture to hope, our recommendation that sentences of penal servitude should not be for less than seven years, should be acted on, the proportion which it will be proper to remove to Western Australia of the convicts annually sentenced will be increased; though, on the other hand, if the improvements which may be introduced in our penal system should have the desired effect of reducing the amount of crime, the number of sentences of penal servitude will be diminished.

§ 46.

Certain classes of convicts not to be sent out.

66. There are some classes of convicts who ought not to be sent to Western Australia. All convicts ought to be included amongst those considered disqualified for removal who are not fit for manual labour, or who have been convicted of unnatural crimes. The latter are manifestly unfit to be sent to a colony, and for the reception of convicts not equal to hard labour the colony presents no advantage whatever. It is obvious too, that no convicts ought to be removed from this country whose minds are not in a perfectly sound state, or who have ever shown any symptoms of insanity. It is to be regretted that these considerations have not been always sufficiently attended to. There is reason to fear, that getting rid of men who were an incumbrance at home, has sometimes been too much thought of in selecting convicts to be sent to Western Australia. It has been shown that, in one case, the Governor of Chatham prison was specially instructed to select for embarkation the convicts least fit to be discharged at home. This is an entirely wrong principle of selection, and ought not to be again adopted. But convicts fit for hard labour, and liable to no special disqualification, may be sent with great advantage to Western Australia, even though they have been guilty of grave crimes, or have been accustomed to live by depredations on the public. Such men can there be placed under strict control, in situations where they have little opportunity, or temptation to be again guilty of crimes, and where they may be secure of maintaining themselves by honest industry.

2380-95.

5562-8.

2392.

67. There is very great difficulty in forming any estimate which can be at all relied on, as to the number of convicts who, if sentences of penal servitude should be prolonged in accordance with the opinion we have expressed, are likely to be available hereafter for removal to Western Australia. The average number of persons sentenced yearly to death, transportation, and penal servitude in the years 1856-62, (including Irish convicts, none of whom are now sent to Western Australia, but who ought to be subject to the same rules as to removal which may be in force in England,) appears from the table given in the early part of our report to be 3,137. From this must be deducted the average yearly number, during the same period, of female convicts (about 17 per cent.) and of convicts sentenced to death, and also of those sentenced to penal servitude for life, who, for reasons which will be given later, ought not, as a general rule, to be removed from this country. A further deduction must be made, on account of those who may be hereafter sentenced to imprisonment, instead of penal servitude, in consequence of the abolition of sentences of penal servitude for less than seven years; and a very large one, on account of those who may be unfit, either from the nature of the crimes they have committed, or from want of physical or mental capacity, or for any other reason, for removal to a colony. The invalids alone constitute from 22 to 23 per cent. of the total number of convicts. Upon the whole, so far as we are able to judge, the convicts eligible for removal, if the recommendations which we have made should be adopted, will not exceed 1,500 a year, and may fall considerably short of that number. Considering, therefore, the present demand for labour in the colony, and its probable development, (to which we shall advert more particularly presently,) there seems no reason to fear, that the number of convicts to be sent out, under the system we propose, will be greater than Western Australia will gladly receive, and be well able to provide employment for.

Number likely to be eligible for removal.

§ 27.

§ 83.

3952.

§ 72.

68. We have next to consider, at what period of their sentences convicts should be removed to Western Australia. It is impossible to lay down any fixed rule as to this; some regard must necessarily be had to the pressure on the convict establishments at home, to the opportunities for removal, and to the requirements of the colony. We consider it, however, to be of the utmost importance, that

At what period of their sentences convicts should be sent out.

convicts should undergo the discipline and training of hard labour on public works, at home, for a considerable time before they are sent out. Many of them have not been used to regular work previously to their conviction, and if they were removed to a colony shortly after their term of separate confinement had expired, would be quite unfit for the work which it is desirable they should be employed on there. And there is another consideration, which renders it inexpedient that convicts should be sent out while a large proportion of the time they have to serve, before they can obtain tickets of leave, is still unexpired. It is obvious that they could not be so sent, without soon producing a great increase in the number of convicts in the charge of the Government in the colony, with a corresponding increase of the convict establishment maintained there. But in addition to the heavy expense that would thus be occasioned, we think the experience of what occurred in the old penal colonies holds out a warning that ought not to be lost sight of, as to the danger of creating a large penal establishment in a distant colony, where it cannot be under the same close supervision by the Government as at home. In such a distant establishment abuses may grow up, and escape detection, much more easily than in this country, and this is the more likely to happen, from its being so
2354-2366. much more difficult to obtain the services of trustworthy officers for the management of convicts, in a colony, than at home.

But though it is desirable that convicts should not go to Western Australia, until after they have undergone a considerable part of their punishment at home, it is, on the other hand, desirable, that they should arrive there some time before they acquire a claim to a discharge with a
2358-62. ticket of leave. The evidence shows, that advantage arises from their having to work long enough under custody after their arrival, to enable them to attain some knowledge of the colony, of the wages they may fairly expect to obtain there, and of the labour they will be required to perform when they receive their tickets of leave. For these reasons we are of opinion, that the sending of convicts to the colony should be so timed, with reference to their sentences, that they may become entitled to their tickets of leave in not less than six months, and, upon an average, from fifteen to eighteen months after their arrival. With each convict a statement should be sent of the number of marks he had already earned; and marks should be

allowed to him for the time occupied in the voyage, according to the average of his previous earnings.

Taking six months as the minimum that convicts should have to serve in the colony before obtaining tickets of leave, such a number, having a longer term to serve, should be sent out, as might, from time to time, be found convenient with reference to the state of the prisons at home. We do not regard it as making much difference, whether a little more or a little less of the penal labour imposed upon convicts, is exacted from them in the colony, instead of at home, provided in all cases they have a preliminary training in this country, and at least six months experience of the colony before they are released. An endeavour should be made so to regulate the time at which convicts are sent abroad, as to keep the number in coercion under the Colonial Government, as nearly as possible at one uniform and moderate amount, in order to prevent inconvenience, and expense, from great variations in the extent of the establishment. At the same time it is important to remark, that if, owing to a general prolongation of the sentences passed upon criminals, the public works prisons at home should become inconveniently crowded, a temporary increase of the number of convicts sent to undergo forced labour in Western Australia, would probably afford the best means of meeting the difficulty. It appears from the evidence of Captain Kennedy and Colonel Henderson, that by increasing the "road parties" (which we shall presently describe) the number of convicts kept under coercion, and employed on public works in the colony, might be largely increased without incurring any expense in new buildings; and the field for the profitable employment of convicts in this stage of their punishment being practically unlimited, no danger would result from increasing their number for a time, provided that a proportionate increase were made in the officers sent out to take charge of them. In fact, the increase of the number of convicts kept in the charge of the government of Western Australia, would enlarge the demand for the labour of those discharged with tickets of leave. We do not, however, for the reasons we have stated, recommend any very large permanent addition to the number of convicts kept on public works in the colony; if, therefore, a prolongation of the term of punishment usually inflicted upon criminals, coupled with the abandonment of the penal establishment at Gibraltar, should make a great addition to the number in custody,

2336–65. 6296–7.

the erection of additional prisons in this country would probably become advisable, though it would necessarily be a costly measure.

Present system in Western Australia generally satisfactory.

69. The system now in force in Western Australia for the management of convicts, appears to us, in most respects, to have been well organized, and to have worked very satisfactorily. They are in the first instance sent to the prison at Fremantle, and employed in public works, and those who conduct themselves the best are afterwards distributed in "road parties" in the different districts of the colony; these parties consist of from twenty to fifty men, under the care generally of only one, and never of more than two warders. The convicts thus employed are managed on much the same plan as those in the intermediate prisons in Ireland. The men put up their own huts, so that little or no expense is incurred for buildings, and when they have finished their work in one place they remove to another. Much useful work has been done in this way, and acts of violence or insubordination have been extremely rare.

2336-42.

2365.

2440-50.

Present remission in Western Australia excessive.

§ 16.

App. No. 18.

70. There is one particular, however, in which an immediate change in the present system in Western Australia is required. We refer to the excessive length of the remission allowed. A scale, the general effect of which has been already stated, fixing the periods at which convicts sentenced to penal servitude would be considered eligible for tickets of leave and conditional pardons, was submitted by the Governor in 1859, and approved by the Secretary of State for the Colonies, without any communication with the Secretary of State for the Home Department. The amount of remission allowed by this scale, which was in itself larger than was desirable,

§ 16.

was increased, as has been already explained, by the operation of the system of marks, which was introduced shortly afterwards. According to the rules now in force, if a convict sentenced, for instance, to penal servitude for ten years, were to obtain in the colony three marks every day, he would be considered eligible for a ticket of leave at the end of four years and a quarter, from the date of his sentence; by obtaining four marks he would become eligible for it still sooner; and if he should be employed as a constable, he might gain additional marks, and thus obtain a yet further remission of his punishment.

This should be remedied at once. We are of opinion that the scale of 1859 should be withdrawn, and the same system of marks introduced in the colony which we have suggested for adoption in this country, no convict being allowed to earn more than three marks a day while kept in the prison at Fremantle, and a day's remission being given for every six marks. But with respect to the convicts employed in the road parties, as they are selected for their good conduct, and are exposed to a good deal of extra hardship, while they are much trusted, and do work of great value to the colony, we think it desirable that they should be encouraged, by being allowed to earn a greater number of marks than those who remain at Fremantle. We would suggest, that the number allowed for each day's work to men so employed, should be double that granted to other convicts; as they would only be sent to the road parties after a considerable part of their punishment had been completed, that would not, in our opinion, cause them to receive an excessive remission. For the reasons given by Colonel Henderson, we think it 6363–8.
would also be expedient to continue the practice, of giving extra marks to convicts employed as constables.

71. Under the present system, convicts in Western Australia become eligible for conditional pardons at periods varying, according to the length of their sentences, from nine months, to four years and a quarter, after they obtain their tickets of leave, the only condition being, as § 16.
we have already mentioned, that they shall not return to 2400-9.
this country. Captain Kennedy, the late Governor of the 2617.
colony, expressed a strong opinion, in which we entirely concur, that the practice of granting these conditional pardons should be discontinued. The men who have received them are subject to no special control, and their behaviour in the colony has consequently been found to be less good than that of the holders of tickets of leave. We would observe too, that a convict who has obtained a conditional pardon in Western Australia, is entitled to all the rights of a free subject, in the colonies, or in any other part of the world, except the United Kingdom. There would be nothing to prevent a man who had made money by receiving stolen goods, or by extensive forgeries, and swindling, from establishing himself, after receiving a conditional pardon, in any neighbouring continental town, and there enjoying the produce of his crimes. This would

Conditional pardons.

be a most dangerous example to the criminal class at home. We are therefore of opinion, that though the restrictions to which the holder of a ticket of leave is subject might
2659. be relaxed, after a certain time, in favour of those convicts who had conducted themselves well, they ought all to remain in the colony, and be subject there to the summary jurisdiction applicable to their class, up to the end of the term for which they have been sentenced.

Resources of Western Australia.

72. Having thus explained our views as to the regulations under which convicts should be sent to Western Australia, it is proper that we should now state the grounds on which we believe, that that colony will be able to receive them with advantage. On this point we think the evidence we have received, and that contained in the various papers laid before Parliament, is very full and satisfactory. Captain Kennedy, Colonel Henderson, Captain Du Cane (an officer of Engineers who was employed in superintending some of the public works carried on there,) and Mr. Sanford, who was selected by the persons interested in Western Australia, now in this country, to give evidence in their behalf to the Commissioners, concurred in stating, that the present demand for labour in the colony would now enable it to receive about 1,000
2324-5. convicts annually, and that this demand is likely progres-
2516-2570. sively to increase, as its resources become more developed,
2693-2784. so that larger numbers might be sent in each succeeding
6136-43. year. And this statement was supported by the facts to which these witnesses were able to refer. It was shown, that though there may be a smaller proportion of good land in Western Australia than in the other Australian
2790. colonies, and though its natural pastures are less favourable
2795-6. to sheep (partly from the prevalence in some districts of a poisonous grass), both agricultural and pastoral industry are making considerable progress. The extent of land cultivated with wheat has greatly increased, good crops
2798-2802. of the first quality are obtained, and the quantity now
2824. grown very nearly equals the consumption of the inhabitants. The number of sheep and cattle has been also considerably increased, and as a proof of the success with which this important branch of industry has been followed, it was mentioned that a settler, who was only a labouring
2477. man in 1850, had lately sold his year's clip of wool for 1,000*l.* The colonists have also discovered a mode of
2791-3. managing their sheep, so as to guard, in a great degree,

against the bad effects of the poisonous grass. The breeding of horses for the Indian market promises to become a profitable business. The soil and climate have been found highly favourable to the vine and the olive, and the cultivation of both has been begun with great success. A good deal of wine has been already produced, and some oil, though hitherto only a small quantity of the latter. The colony also possesses great mineral wealth, rich mines of lead and copper having been found in the northern district, and in the south there are forests of great value. We beg to refer to the account given by Captain Du Cane of the Jarrah timber, which possesses the very valuable quality of resisting the attacks both of the sea-worm and the white ant, which last is so destructive to every other kind of timber both in Australia and in India. It appears that this timber may be obtained in almost unlimited quantities, and shipped at a moderate cost to India, where it is likely to find a market, and to be useful for railway sleepers. Both the working of the mines, and the shipment of timber, have hitherto been greatly checked by the want of capital and labour, but it has been stated to us that the capital required could easily be procured in this country, if there were an assurance that a proper supply of labour would be kept up, by convicts continuing to be sent to the colony. Enterprize has been greatly discouraged by the uncertainty which has been felt upon this point, and by so few convicts having been sent out during the last five years. We consider it to be of great importance that this uncertainty should be removed, and that the policy, with respect to sending convicts to Western Australia, which Your Majesty's Government, and Parliament may determine to pursue, should be made distinctly known.

6198. 6269–89. 2800–7. 2759-61. 6201. 2697-704, and App. No. 19. 2699. 2750. 2773. 2780-1. 2545.

73. The progress which the colony has already made since convicts were first sent there, must also be regarded as affording satisfactory indications that it will probably be able to receive them in increasing numbers. Before it became a penal colony, partly from its not possessing as great natural advantages as the other British settlements in Australia, but chiefly from mistakes in the system on which it was originally established, Western Australia had fallen into the lowest condition, and serious apprehensions were entertained, even before the discovery of gold in New South Wales, that it might be abandoned altogether by

Progress of Western Australia since convicts were first sent there.

the inhabitants. When that discovery took place, and created so general a rush from all quarters to the gold fields, these apprehensions would in all probability have been realized, but for the formation of a penal establishment in Western Australia, which had then just taken place. The advantages thus conferred upon the colony have enabled it, not only to struggle successfully with the difficulties which threatened to overwhelm it, but to make a great advance towards prosperity. The colonial revenue which was only 12,440*l.* in the year 1850* had increased to 60,741*l.* in 1860.† The trade of the colony had also largely increased, the exports having risen from 22,135*l.* in 1850 to 89,257*l.* in 1860 and the imports from 52,351*l.* in the former year to 169,075*l.* in the latter.‡ In 1850, when it had existed 21 years as a colony, Western Australia did not possess five miles of cleared road, and only one bridge, while the late Governor states that during his administration, between 1855 and 1862, 192 bridges and 219 culverts were built, and 1,030 miles of roads were cleared, in addition to improving and repairing those previously in existence. The population was somewhat under 6,000 in 1850, and has now increased to about 16,000.

2310-13.

Effects of system of transportation in other Australian colonies.

74. No doubt this advance of the colony has been purchased by a large expense to the mother country, but in return for this expense the nation has gained, not only an outlet for its criminals, but the prospective advantages which may reasonably be expected from the creation of another prosperous and wealthy colony, with which it may hereafter carry on a large and valuable trade. The great value of the other Australian colonies is too well known to require to be described; they now form one of the most important portions of the British Empire, and our commerce with them contributes largely to our prosperity as a nation. Yet these great and thriving communities are entirely the creation of the system of transportation, since it was by convict labour, and the expenditure incurred on account of convicts, that these colonies have been enabled to receive free settlers, and

* Statistical Tables for the Colonies, presented to Parliament in 1856, pp. 328–9.

† Tables presented in 1862, pp. 311–313.

‡ See the tables as above.

to hold out that encouragement to emigration which has raised them to their present condition. This is true even of those settlements to which convicts have never been directly sent, since the resources which rendered the establishment of these settlements practicable were drawn from the older penal colonies. But the early history of New South Wales gave little promise of such results. It appears from the evidence given by Mr. Elliot before the Committee of the House of Commons on transportation in 1861,* that for more than 20 years after its establishment the progress of New South Wales was exceedingly slow; that at the end of that time it contained in all only 10,500 inhabitants, of whom 7,000 were still convicts, and most of the free persons had originally been so. Four thousand of the convicts were still fed, wholly or in part, at the public cost, and an expense had been incurred upon the colony between 1788, when it was founded, and the end of 1809, of 2,196,149*l*. From so discouraging a beginning New South Wales, and the colonies which have virtually sprung from it, have been raised to their present position, mainly by the judicious encouragement which was given to enterprising settlers to avail themselves of cheap convict labour, in developing the resources of an unoccupied territory, and by the facilities which the convicts themselves enjoyed of regaining, in a new home, the position they had lost by their misconduct in their native country.

Similar results may be expected in Western Australia.

75. We can see no reason why Western Australia should not be raised, by similar means, to similar prosperity; especially as what has been already accomplished there so far exceeds what had been effected in New South Wales in double the time, and as the experience gained in the latter ought to enable the Government to avoid, in the more recent penal colony, those errors which so long retarded the progress of the older one. It is gratifying to find from the evidence we have received, and the information laid before Parliament, that the removal of convicts to Western Australia has hitherto been accomplished without producing the fearful moral evils of the early days of the former penal colonies. Though it would be too much to hope, that any very large proportion of the criminals

* 378-80.

sent to Western Australia can have been thoroughly reformed, or that their evil dispositions would be found to have been changed if they were again placed in circumstances in which these dispositions would be called into action, it is yet established by the concurrent testimony of the witnesses examined by ourselves, and by previous Parliamentary Committees, that in the colony the great majority of them behave on the whole well; that they become useful and industrious labourers in the employment of the settlers, (some of whom have declared that they prefer their services to those of free emigrants,) and that, in many cases, they have raised themselves by their good conduct and energy to a superior position, and become themselves employers of labour. It has also been shown, that perfect security for persons and property prevails in the colony, and that the calendars of the criminal courts are singularly light. These satisfactory results are, we believe, to be attributed to the judicious discipline the convicts have been subject to, and to the assurance that is constantly held out to them, that by good conduct they cannot fail to improve their condition, and that industry will meet with a certain reward; while, on the other hand, they have little opportunity, or temptation again to commit the offences of which they were formerly guilty, and know that if they do, they have little chance of escaping detection, or the prompt and severe punishment by which it will be followed. Placed in this situation, the same men who, if they had remained at home, would, in all probability, have soon returned to their evil courses, and have sought a living by depredation on the public, become, on the contrary, for the most part useful members of society. We think some considerable expense may be well incurred, for the purpose of delivering both this country, and the convicts themselves from the evils which would result from their remaining at home, while, at the same time, a colony, which would otherwise have continued in a languishing condition, is being gradually raised to prosperity.

2326-33. 2709.

2316-2328.

Precautions to be taken in sending convicts to Western Australia.

76. But in order that convicts may continue to be sent to Western Australia with success, the co-operation of the colonists is necessary, and this is only to be looked for on the condition that due regard be paid to their interests, and that every precaution be adopted which experience can suggest, in order to protect them from the

evils which arose in the former penal colonies. With this view it is of great importance, not to throw convicts with tickets of leave on the labour market faster than it can receive them with advantage, and much may be done to guard against this danger, by a judicious expenditure of the increasing colonial revenue in works calculated to open new territory for settlement, and to afford facilities for various industrial enterprizes. Such works should be prosecuted as vigorously as possible, since they are calculated both directly to add to the demand for labour while they are in progress, and also to lead, indirectly, to a still larger increase in this demand, by augmenting the number of private employers. It is most shortsighted economy, therefore, to deprive the colony of the means of carrying on works of this description, by throwing on its revenue charges connected with the convict service which more fairly belong to the mother country. This mistake was unfortunately committed formerly in Van Diemen's Land, and was not the least powerful of the causes, which created the difficulties that ultimately led to the discontinuance of transportation to that colony. The rule of sending out free emigrants in due proportion to the convicts, at the cost of the mother country, should also be adhered to, and in the selection of these emigrants, attention should continue to be paid to correcting, as far as possible, the great disparity of the sexes which would otherwise be occasioned by sending out male convicts only. We have learned with satisfaction that no difficulty has been experienced in obtaining female emigrants, and that the Government has, hitherto, been careful to send them as fast as the means of providing for them on their arrival can be found. This seems to be all that can be done, and by continuing the same practice the evils arising from a disparity of the sexes may, we trust, be prevented from becoming serious. The inconvenience arising from an excess of males seems to be much less felt than it otherwise would be, from the great dispersion of the population, nor can such an excess be entirely avoided in pastoral colonies, even when they are not penal ones. 2419. 6231.

77. The observations made by the Dean of Perth, as to the great want of savings banks, in which the holders of tickets of leave, in the more remote districts, might deposit their earnings, are well worthy of attention. It Want of savings banks in Western Australia.

6390–7. appears that many of these men squander in intemperance considerable sums, which they would gladly save if any secure mode of investing their money were within their reach. A double injury is thus inflicted upon the colony, as the prevailing vice of intemperance is encouraged, at the same time that the accumulation of capital, which is so much wanted, is checked. There would, we think, be little difficulty in making arrangements, by which these men should be enabled to enjoy the advantage of easily depositing their money in savings banks.

Selection of officers, and inducements to be held out to them.

78. We consider it to be of the highest importance, that the management of the convicts in the colony should be entrusted to the ablest, and most efficient officers that can be obtained. Hitherto the colony has been most fortunate in having Colonel Henderson at the head of the convict establishment, and we think it right to record our opinion, that the success which has thus far attended the experiment of making Western Australia a penal settlement, seems to be in a great measure owing to the energy and judgment he has displayed in the discharge of his arduous duties, and to the efficient support he has received from the Governors of the colony. His resignation of the post he has held cannot fail to be a serious loss to the colony, since even if his successor should prove, as we hope, equally able, he cannot for some time have the advantage of the experience and knowledge of the officer who has been so long at the head of the establishment. We trust that the newly appointed comptroller of convicts will follow as closely as possible in the steps of his predecessor, and especially in seeking to establish an influence over the minds of the convicts, by making them feel, that though he is strict in punishing misconduct, if they behave well they will always find in him a friend earnestly desiring to promote their true welfare. To secure the efficiency of the subordinate officers is also an object of great importance, and, unfortunately, in a colony, a matter of difficulty. We beg to call attention to the evidence of
2368. Captain Kennedy upon this point. He has shown, that while labour, and especially skilled labour, is much more highly paid in the colony than at home, so that the convicts, when they gain their tickets of leave, earn far higher wages than they could have done here, the officers in charge of them are only paid at the same rate as in Eng-
2369–71. land, and are thus placed in a situation of comparative

disadvantage. He has also stated, and we have no doubt correctly, that it is not desirable that the officers in charge of convicts should continue to hold their situations too long. With the double object of increasing the advantages of these officers, and also of providing against their being retained too long in the discharge of their particular duties, he has suggested, that they should be allowed to retire at the end of five years' good service in the colony, with a free grant of land prepared for occupation, and with a house built upon it by convict labour. The prospect of obtaining this advantage would afford a great inducement to men of superior qualifications to accept an employment of which the duties are necessarily very irksome, and their ultimate settlement in the colony would tend to its social improvement. It appears that this mode of rewarding the services of the police in the colony has been adopted, and has been found useful. Besides securing the services of efficient officers to take charge of the convicts while under coercion, it is highly necessary that provision should be made for affording them adequate religious instruction and supervision, both before and after they obtain tickets of leave. Measures were taken for this purpose when the penal establishment was originally formed, and we trust that a matter of so much importance will not be lost sight of. We regret to find that the salaries originally assigned to the colonial chaplains have been reduced from 300*l.* a year to 200*l.*, as the latter amount seems to be inadequate for the proper maintenance of those who are married. 2372–4. 6383–5.

79. Another object to which we think the attention of the Government may be usefully directed, is that of improving the arrangements for conveying convicts to the colony. Our attention has been called to the fact that great complaints have been made, in one or two cases, as to the manner in which the ships that have taken out convicts have been fitted up, and as to the want of discipline on board them. We believe that if two or three large and roomy ships were properly fitted up for permanent employment in the removal of convicts to Western Australia, with a well-selected staff of officers, the discipline maintained during the voyage might be improved; nor do we see any reason why this measure should involve any increase of expense. The Directors of Convict Prisons have already, as we understand, called the attention of the

Improvements required in convict ships.

5553–7. Government to the subject, on which some valuable remarks will be found in the evidence of Mr. Measor. The service, we believe, might be carried on in the manner we have suggested, at least as economically as at present, if proper arrangements were made for keeping these ships in regular and constant employment. This would be much facilitated by adopting the recommendations we have offered, that the regulations under which convicts are employed on public works, at home, and in the colony, should be assimilated, and that considerable latitude should be allowed in determining at what period of their punishment convicts should be sent out.

Not expedient to establish a new penal colony.

80. We do not consider it expedient that any new penal colony should be established at present. We regard the proposal that convicts should be sent to some bad climate, with a view of augmenting the severity of their punishment, as altogether inadmissible. It is not only objectionable on the score of humanity, but also because the difficulty of obtaining the services of efficient officers to take charge of convicts in such a climate, would be much greater than it is found to be even in Western Australia. In a penal establishment formed in any such situation as has been contemplated, and where there are no free settlers, there would be extreme danger of the recurrence of such abuses as formerly prevailed in Norfolk Island. It will be observed, from what we have already said, that we consider the chief value of a penal colony to consist in the facilities it affords for disposing of convicts satisfactorily after they pass out of a state of actual coercion. While they are undergoing imprisonment, and penal labour we believe it to be of comparatively minor importance where they are kept, except in so far as the place selected for the purpose, may be more or less adapted for their labour being usefully employed, and for ensuring the effective maintenance of discipline. It is when they become entitled to tickets of leave, that a colony like Western Australia is so much better a place for convicts than this country, with its dense population, large cities, and eager competition for employment. But the advantages of a colony for receiving convicts in this stage of their punishment, depend entirely upon its having, not only a sufficient extent of unoccupied territory, but also a sufficient number of free settlers to give employment to the convicts, when discharged from custody. To create a new settlement for

this purpose, and to provide the means of attracting to it free emigrants would be a matter of extreme difficulty, and very heavy expense. Nor can we see any occasion for resorting to a measure which would be so costly, and of such doubtful success. Western Australia, as we have already shown, will in all probabilty be able to receive as many convicts as it will be desirable to send there, at all events for some years to come. And even if it should be found necessary to send out so many more convicts than we contemplate, that Western Australia in its present state would be unable to absorb them into the population, it would be far easier, and far less expensive, to make provision for this extra number of convicts in Western Australia, where all the resources of the existing establishment are available for the purpose, than it would be to found an entirely new establishment in some other situation. Indeed, the number of convicts that this colony may be made capable of receiving is limited only by the expense it may be thought expedient to incur. If it should be desired to send more than Western Australia could at present absorb as holders of tickets of leave, there is almost an unbounded field for works, such as those to which we have already alluded, by which additional territory might be opened for occupation; and the Government might likewise easily employ some of the convicts in clearing land, and erecting houses, which might be sold on easy terms to settlers, thus attracting emigrants with capital. As the territory already partially occupied extends 250 miles to the north of the capital, and 300 miles to the south, and the limits of the country available for settlement either back from the coast, or to the northward, have not yet been ascertained, it is obvious that many years must elapse before it can be fully peopled. 2787–8.

81. But though it would be inexpedient to form any new penal colony at present, we do not think that it would be improper to facilitate the execution of public works, which may be required for national objects, in colonies where labour is scarce and dear, by encouraging convicts with tickets of leave to hire themselves to contractors, who might undertake to execute such works. For instance, if the Government should contemplate the construction of a dock in the Falkland Islands, for the benefit of vessels returning from Australia, such a work might probably be thus executed with advantage. Of course the previous

Employment of convicts with tickets of leave on public works in other colonies.

consent of the colony (wherever there is a representative legislature) would be indispensable, before convicts were sent to it with tickets of leave, for the execution of works of this description.

Convicts unfit for removal to Western Australia.

82. We have expressed our opinion that, as a general rule, convicts sentenced to penal servitude should be removed to Western Australia before they become entitled to be discharged from confinement. But there must always be a considerable number to whom this rule will not be properly applicable. In the first place, there will be the large per-centage of those who, from defects of bodily or mental health, are unfit for removal to a colony. It would be unjust to refuse to these men, for deficiencies for which they are not answerable, the power allowed to their more robust fellow-prisoners, who are sent abroad, of earning their release from prison, by their own industry and good conduct. We therefore think they should be allowed to gain tickets of leave under the same rules as other convicts, though we do not disguise from ourselves, that it will be very difficult to dispose of them satisfactorily at home. As we have already mentioned, there seems no reason to suppose that by a proper system of superintendence they may not be prevented from becoming dangerous to society, but it is an embarrassing question, how an honest living is to be earned by men who, in general, will be unfit for hard labour, besides being exposed to the same disadvantages with other discharged convicts in the competition for employment. This appeared to us so formidable a difficulty, that we were in the first instance disposed to consider, whether it would not be necessary to establish some special refuge for such unfortunate persons; but on looking further into the question, we were satisfied, that any such scheme would be open to insurmountable objections, and that these men can only be left to that provision which the law has made for the destitute, whatever may be the cause of their destitution. Some assistance may, we hope, be given to them by those excellent institutions the Prisoners' Aid Societies, but we are convinced that this can only be safely done by private benevolence.

Convicts sentenced for life.

83. In addition to the convicts physically or morally unfit for removal to a colony, it would also be proper

to abstain from sending out those whose sentences are for life. Criminals of this class ought not, we think, as a general rule, to be sent to the colony, though we are far from meaning that the rule ought to be an inflexible one. Under the existing regulations a distinction is made between the generality of convicts, and those sentenced for life. The cases of the latter may be brought forward App. No. 1 E. for the consideration of the Secretary of State at the end of twelve years, but they are not regarded as having the same claim to discharge at that period, as other convicts at the expiration of a certain proportion of their sentences. This distinction seems to be a just one. Sentences for life should, we think, be only passed on men guilty of very aggravated crimes, but when passed, they ought really to imply that those who have incurred them, shall never again be allowed to return to society, either at home, or in a colony, unless the mercy of the Crown should be extended to them on special grounds. After a certain time, if they behave well, the severity of their punishment might properly be relaxed, but they never ought to regain even the qualified freedom of the holder of a ticket of leave. If, however, they are to be kept in perpetual confinement, this punishment may be inflicted more safely, and more conveniently, at home, than in a colony. Should this rule as to the enforcement of sentences for life be adopted, the courts before which offenders are tried would naturally make a distinction between the most atrocious criminals, and those whose guilt, though aggravated, is one degree less, by passing sentences for life on the former only, and on the latter, sentences for a definite, though in some cases a very long term of years. Some change might also become necessary in the law, with the view of restricting the passing of sentences for life to the most atrocious offenders. Since the abolition, by the Acts of 1861, of capital punishments in all cases except high treason and murder, this sentence has become our only protection against such crimes as attempts at assassination, where the victim is left for dead, but accidentally survives, or burglaries committed by armed gangs, and accompanied by ferocious violence to the inmates. We think it is to be regretted, that it should be also applicable to such offences, as the bare possession of coining implements without lawful excuse, or the uttering of counterfeit coin after a previous conviction.

Female convicts.

84. We do not consider it expedient that female convicts should be sent to Western Australia, or any other colony. In addition to other objections to their being sent, it appears that the colony does not possess, with regard to female convicts, the advantage which constitutes its main recommendation as a place for the reception of male convicts, that of affording to them much greater facilities than the mother country of earning an honest maintenance. The prolongation of sentences of penal servitude, and the regulations under which a portion of the punishment should be remissible, ought to apply to female convicts; but in their case we feel justified in recommending a larger remission than in the case of male convicts. Unless this is granted, the substitution of the sentence of seven years for the shorter sentences now allowed by law, will bear upon female convicts with undue hardship. As they are necessarily deprived of the great advantage of associated labour in the open air, and are precluded from the hope of being enabled, by good conduct, to improve their condition in a colony, a long period of imprisonment is to them a far more severe sentence than to male convicts. We fear that what we have recommended will be insufficient to render the system for the punishment of female convicts, and for disposing of them when their punishment is at an end, as satisfactory as we should desire; but the inquiry we have instituted does not enable us to suggest any further improvements of importance in the existing arrangements. The details of the discipline might perhaps be amended, especially by providing more suitable cells in which refractory women might be confined, without their being able to annoy the other prisoners. We consider that the case of discharged female convicts, is one that recommends itself peculiarly to the consideration of the benevolent; and we believe, that charitable and religious societies are the only means, whereby the dangers which always await a female convict on her discharge from prison can be lessened.

3108–10.

Precautions to be observed in carrying into effect the above recommendations.

85. In submitting the above recommendations to Your Majesty, we have described the system of punishment which has appeared to us to be that best calculated to protect the interests of society, and to promote the reformation of criminals. But we are aware that if our views should be approved, and this system of punishment should

be decided upon as that to be permanently adopted, some difficult questions will arise as to the mode of introducing it into practice. It is necessary that the most scrupulous good faith should be observed towards convicts, in fulfilling expectations they have been authorized to entertain, with respect to indulgences to be granted to them for good conduct, and as to the regulations to which they are to be subject. No advantages, therefore, that have been promised to convicts now under sentence, whether as to gratuities or to any other matters, can be withdrawn from them; yet inconvenience must arise from having convicts working together under different regulations. The period, therefore, of transition from one system to another must inevitably be one of some embarrassment. We do not think it would be advisable, that we should enter into a consideration of the arrangements to be made for meeting this difficulty, and bringing the changes we have recommended into operation; these may be more properly determined by Your Majesty's Servants, with the assistance of the Directors of Convict Prisons; we will therefore only express our opinion, that while, on the one hand, all the authorized expectations of convicts now under sentence ought to be scrupulously fulfilled, on the other, they have no right to claim that changes which may make the discipline more strict should be postponed, in cases where no promises have been made, and no expectations held out to them. For instance, the alteration we have recommended with regard to the hours of school instruction might, we think, be properly applied to convicts now under punishment, so soon as the necessary arrangements for the purpose can be completed. And in like manner, though the existing colonial regulations cannot properly be altered with respect to convicts now in Western Australia, we see no reason why any convicts, now under punishment at home, who may hereafter be sent out, should be allowed the benefit of regulations which have not been communicated to them, and which would allow of their obtaining their tickets of leave too early.

There is still a circumstance to which we feel bound to advert, which must of necessity, for some years to come, continue to exercise an injurious influence. We allude to the great number of convicts, amounting probably to about 5,000, who are at the present moment under sentences of penal servitude not exceeding four years.

These criminals cannot be transported, and, for the reasons already given, we are not very sanguine as to the effect of even an improved system of discipline and supervision upon men under such short sentences. We cannot, therefore, disguise our apprehension, that a portion of these may, when discharged in this country, resume their old habits, and relapse into crime.

Recapitulation.

86. In order that our views may be more clearly understood, we beg, in conclusion, to state that we consider the following to be the most important of our recommendations:—

1. That sentences of penal servitude should not in future be passed for shorter terms than seven years.
2. That the principle, already recognized by the law, of subjecting re-convicted criminals to severer punishment, should be more fully acted on.
3. That convicts sentenced to penal servitude should be subjected, in the first place, to nine months separate imprisonment, and then to labour on public works for the remainder of the term for which they are sentenced, but with the power of earning, by industry and good conduct, an abridgment of this part of their punishment.
4. That all male convicts, who are not disqualified for removal to a colony, should be sent to Western Australia during the latter part of their punishment.
5. That those who may be unfit to go there, but may earn an abridgment of their punishment, and who may consequently be discharged at home under licence, should be placed under strict supervision till the expiration of the terms for which they were sentenced, and that the necessary powers should be given by law for rendering this supervision effectual.

Such are the leading provisions of the system of punishment which we should propose to establish, and the various recommendations contained in our report, are intended to point out the means by which we think that system may be best carried into effect. If these recommendations, and the information we have collected, should not be found to afford to Your Majesty's Servants, and to Parliament, the assistance we should wish in dealing

with a subject of so much difficulty, we would assure Your Majesty, that this will not be owing to our having failed to devote the most careful study, and the most anxious consideration of which we were capable, to the important inquiry with which we have been charged.

We have to add that, as might have been expected, some differences of opinion have been found to exist among us, upon points of considerable importance; and as those of our number who do not concur in all the recommendations of the Report, are desirous that their views should not be misunderstood, we have thought it right to subjoin an extract from the minutes of our proceedings, showing what divisions were taken on various questions that arose, and what were the votes given by the different members of the Commission.

All which we humbly submit to Your Majesty's Royal consideration.

GREY. (L.S.)
NAAS. (L.S.)
CRANWORTH. (L.S.)
E. P. BOUVERIE. (L.S.)
JOHN S. PAKINGTON. (L.S.)
S. H. WALPOLE. (L.S.)
H. WADDINGTON. (L.S.)
RUSSELL GURNEY. (L.S.)
O'CONOR DON. (L.S.)
HUGH C. E. CHILDERS. (L.S.)

Dated the 20th day of June 1863.

Memorandum by Mr. Henley.

This Report recommends, as part of the plan of treating the persons sentenced to penal servitude, to be applied as well to such of the convicts as remain in the United Kingdom as to those who may be sent to Western Australia, a regulated remission of a portion of the period of imprisonment to which they may have been sentenced, and, as an essential part of the scheme, the granting to such convicts licences to be at large, commonly called "tickets of leave." This practice has worked, and probably will work, well in a colony; but I believe granting licences to be at large unsuited to this country and injurious to the convicts and to society. It is better, I think, when a convict is discharged, either by pardon from the Crown or at the termination of his sentence, that he should be a free man.

To that part of the Report which recommends that as many of the male convicts as may be fit, and as the colony may be able and willing to receive, shall be transported, after passing a period of imprisonment in this country, to Western Australia, I entirely agree. So far as this goes it will mitigate the evil; but what I consider a wrong principle remains. I cannot, therefore, sign this Report.

J. W. Henley.

Memorandum by the Lord Chief Justice.

Being unable to concur in the Report presented to Her Majesty by the other members of the Commission, I am desirous of recording my views on the important subjects into which the Commission was appointed to inquire.

In considering what Penal Servitude ought to be, it should be borne in mind that this mode of punishment is that to which offenders are condemned for crimes to which imprisonment in our ordinary prisons is considered an inadequate punishment.

Being applicable to offences of a graver character, it might be expected that, in point of severity, the punishment inflicted under a sentence of Penal Servitude would be at the least as heavy as that inflicted under a sentence of imprisonment. The contrary, however, is the case; nor, indeed, can it be otherwise. The reason lies in the simple fact that imprisonment as carried on in our gaols and houses of correction cannot be borne by those subjected to it for more than a very limited period. The severity of prison discipline in modern times, the complete isolation of the prisoner, the obligation of perpetual silence, the separation from his fellow men—which in some prisons has been carried so far as that, when necessarily brought into the presence of his fellows, the prisoner has been compelled to wear a mask—the severity of the labour required, in addition to its being carried on within the dreary walls of a prison, and the wearisome monotony of such a life, are found to produce so depressing an influence that, if protracted beyond a limited period, fatal consequences to health both of body and mind ensue. Under these circumstances the period of imprisonment to which criminals are sentenced has been gradually reduced. The maximum allowed by law has been recently fixed at two years. In practice, the period of 18 months is not, except in rare instances, exceeded. Under the system of discipline existing in most of our prisons, 18 months of solitary imprisonment is found to be as much as, with proper regard to humanity, can with safety be inflicted.

It follows that, so long as the present system of prison discipline is maintained, in all cases in which a sentence

of 18 months' imprisonment would be inadequate to the gravity of the offence, and it therefore becomes necessary to extend the period of the sentence, such extension can only be had on the condition of a corresponding diminution in the intensity of the punishment.

To meet these cases resort has been had to the punishment of Penal Servitude, which consists, after a fixed period of separate confinement, of employment on public works. In this mode of punishment, the convicts work together in gangs; the system of silence and separation is abandoned; the prisoners are not debarred from communication; the work is carried on in the open air instead of in the gloomy interior of a prison. It is obvious that, in point of intensity, this system of punishment is infinitely less severe than that of imprisonment with hard labour as carried on in our ordinary prisons.

This system, now known among us by the name of Penal Servitude, was formerly carried into execution in our penal colonies alone.

The next step in the scale of punishments, after the maximum of imprisonment, was the sentence of transportation, the lowest degree of which was for the period of seven years. This minimum was fixed at a time when imprisonment with hard labour, being less rigorous in its circumstances, was inflicted for longer periods; so that the leap to seven years, although the sentence involved exile to a remote part of the world, was thought no more than was necessary to compensate for the difference between labour on public works and labour in the confinement of a gaol. In later times, convicts sentenced to the minimum of transportation were not sent abroad at all. They were confined in hulks and made to labour on public works, and a practice having been introduced into our penal colonies of remitting a portion of the sentence, the same benefit was extended to the convicts retained in this country under seven year sentences, so that after serving for four years, in the absence of misconduct, they were set free.

When, from the unwillingness of our Australian colonies to receive more convicts, it became necessary to reduce transportation within the narrowest limits, recourse was had to employment on public works at home, which is what is generally understood by the term Penal Servitude. It is true that although, since the Act of 1857, the sentence of transportation could no longer be passed in

form, in point of fact convicts sentenced to Penal Servitude could be, and to a certain extent have continued to be, transported to Western Australia. But for some years past the proportion of convicts sent abroad has been small as compared with that of those who have been kept to labour on the public works at home.

Considered as a means of punishment, Penal Servitude, while it has the advantage of being capable of being extended over a longer period, has obviously the disadvantage of being unequal in point of severity to the more painful and irksome confinement of a gaol; in consequence of which it becomes necessary, in order to compensate for the difference, to prolong the punishment in point of time to a degree disproportioned to what would have been the time had so much more imprisonment been awarded. It has also this further drawback, that when bodies of men are thus brought together, with the opportunity of communication necessarily involved in community of labour and having at their disposal implements which may easily be converted into means of offence, the difficulty of controlling them and obtaining from them the required amount of work is necessarily increased. Hence arises a tendency on the part of those who have the management of them to obtain obedience and submission by relaxing the severity of punishment and by holding out the promise of reward or of remission of a portion of the sentence.

In this country the amount of labour required from a convict under Penal Servitude is about one-half of what would be done by an ordinary day labourer; his diet is little, if at all, inferior to that of the ordinary labourer; he becomes entitled on performance of the work required of him to gratuities, which by the time his term expires amount to a substantial sum; and, unless he misconducts himself, he obtains a remission of a fixed portion of the term of his sentence, varying from one-sixth on sentences of three years, to one-third on sentences of fifteen years and upwards.

As regards the working of this system and its effect on the state of crime, it is very difficult to arrive at any satisfactory conclusion. The social and moral condition of the poorer classes, the demand for labour, the price of food, the prevalence of pauperism, or the prosperous con-

dition of the country, are circumstances which have to large an influence in determining the amount of crime as any particular period, that it becomes extremely difficult to ascertain the degree in which the state of the penal law and the punishment inflicted on offenders may or may not have been efficacious in the repression of crime.

From the statistical tables furnished to the Commission, it appears that the number of offenders sentenced to death, transportation, or Penal Servitude, after having declined from that of preceding years in 1852, remained about stationary till 1858, when it suddenly decreased; the numbers being in 1857, 2,637; in 1858, 2,183. The number then remained stationary till 1861, when it rose from 2,267, the number of the preceding year, to 2,500; to be followed in 1862 by the startling increase to 3,196.

In Scotland, where the fluctuation appears to have been more striking than in England, the number, having risen from 374 in 1849 to 598 in 1850, and having again fallen from 503 in 1851 to 365 in 1852, and again from 325 in 1854 to 228 in 1855, gradually rose to 289 in 1858, and again fell to 213 in 1860, since which time it has remained stationary.

While, therefore, there has been in England between the years 1860 and 1862, inclusive, the remarkable increase in the amount of crime of the more serious order already pointed out, no corresponding increase has taken place in Scotland. Yet the same system of Penal Servitude is applied to the convicts of both countries.

The increase of crime in England in 1861 and 1862, more especially as regards robberies with violence, and burglaries, is, however, of a very striking character; nor, although, as was stated in evidence before the Commission, pauperism may have increased during this period, whereby offences against property may have had a tendency to increase, does there appear to have been any material change in the condition of the poorer classes adequate to account for the increase of crimes of an aggravated character, which are more generally perpetrated by criminals of the more hardened sort. It may be that the panic produced in the metropolis during the last year by the prevalence of robberies with violence may have been disproportioned to the real state of the facts; the number of such cases may have been exaggerated; the offences, though numerous, may have been the work of a limited

number of persons; or the impunity which attended the first acts of this kind may have encouraged others of the criminal class to follow the example thus set—some of which conclusions would seem to be warranted from the fact that, since the conviction and condemnation of some 24 individuals at the Central Criminal Court at the sittings in November last, this species of offence has not again been heard of. Yet the fact that the number of robberies with violence had increased in the metropolitan district from 32 in 1860 to 97 in 1862, and the number of burglaries from 179 to 259, may not unreasonably lead to the belief that there must be something defective in our penal law, or in its administration, or in the execution of the sentences under it. At all events it becomes necessary in the face of such facts carefully to review our penal system, with a view to the amending of any defects by which its efficiency may be impaired.

That our penal system as a whole is defective seems generally admitted. Two opposite views are, however, put forward as to where the defect lies. Those by whom the present system of Penal Servitude is upheld and justified ascribe the defect to the short sentences of Penal Servitude introduced by the Act of 1857, or to the greater leniency with which the penal laws are administered generally in modern times; or, lastly, to the varying scale of sentences adopted by different judges. According to the opposite view, the weakness of our penal system is to be found in the manner in which sentences of Penal Servitude are carried into execution, or in the systematic remission of a portion of the period of the punishment to which the criminal has been sentenced.

As regards the increased leniency in the sentences now pronounced on offenders, it is to be observed that the spirit in which the law is now administered is not the growth of yesterday. It has arisen gradually out of the more humane and merciful disposition of men's minds in modern times, whereby punishments inflicted without scruple in former days would now be deemed cruel and inhuman. Neither does it appear reasonable to seek in this increased leniency a cause of the sudden increase of crime which has recently shown itself—seeing that under the law as thus administered crime had materially diminished, while population was steadily increasing. While

in 1857, the number of convictions in England is returned at 15,307, we find it gradually decreasing, till in 1860 it fell to 12,066: in like manner, the number of sentences of death and Penal Servitude becomes reduced from 2,637 to 2,267.

It seems equally unreasonable to suppose that the alleged inequality in the sentences pronounced by different judges can have had any influence on the recent increase of crime. It may well be questioned whether this alleged inequality is greater at the present than at any antecedent time, or whether it is at all greater than is to be expected where a number of judges, both professional and lay, are acting each under a sense of individual responsibility, on cases which, though classed under the same category, yet present an almost infinite variety in the circumstances by which guilt may be aggravated to the highest, or extenuated to the lowest degree — circumstances which, while carefully noted and acted upon by the judge, are often unnoticed by the casual observer, or are lost sight of in the abridged reports which are presented to the public. A few striking instances of inequality may here and there be found, but to infer that the sudden increase in crime in the last two years can thus be accounted for seems altogether unwarranted.

Neither will the short sentences of Penal Servitude introduced by the Act of 1857, in themselves, afford a solution of the question. These shorter terms of punishment were intended to meet the cases next in degree to those to which the maximum of imprisonment is at present applied. If the sentence of Penal Servitude carried with it a punishment at all approaching to that of imprisonment in an ordinary gaol, there seems no reason for thinking that the prolongation of the period from 18 months to twice that time, or allowing for the time remitted, to two years and a half, would not be sufficient to meet the cases to which this sentence was intended to be, and in general practice has been, applied.

It has been suggested that the increase in the number of offences has arisen from the number of convicts set at large on the expiration of the shorter sentences passed since 1857. Yet, for a long series of years, convicts sentenced to seven years transportation had been set free

after being kept for four years at the hulks. By the Act of 1853 four years of penal servitude was expressly substituted for seven years transportation. There must therefore always have been a number of offenders set free from time to time at fixed recurring periods. Every year since 1857 has been bringing back upon society convicts condemned under the Act of 1853, not only to sentences of four years, but of all the intermediate periods up to 10 years. There seems no reason to suppose that the increase in offences with violence is attributable to the less aggravated offenders, for whom the shorter sentences were deemed sufficient, rather than to those whose deeper guilt brought upon them longer periods of punishment. It would surely be unsafe to conclude that the same punishment which failed to bring about the reform of the lesser criminal at the end of two years and a half, must have insured the permanent reformation of the more aggravated criminal at the end of a year or two more.

It may not be uninstructive to turn at this point to the table of offenders convicted and sentenced by Baron Bramwell at the sittings at the Central Criminal Court already referred to. From this table it appears that of the 24 persons convicted and sentenced on that occasion, four only had been previously sentenced to Penal Servitude, of whom one had been condemned to three years, another to four, a third to six, and the fourth to seven years. Of the remaining 20, four had been convicted on indictments at sessions, six had been sentenced on summary convictions before magistrates, while the remaining 10, including two of the worst cases, appear not to have been previously convicted. It further appears that in the year 1862, so remarkable for the increase of crime, the proportion of persons re-convicted after prior sentences to Penal Servitude had decreased from 25 per cent. to 21 per cent.

It seems, then, that the weakness of our system of Penal Servitude is to be sought in the manner in which the punishment is inflicted under it rather than in the periods to which it has been extended. Moderate labour, ample diet, substantial gratuities, with the remission of a fixed portion of the sentence, are hardly calculated to produce on the mind of the criminal that salutary dread of the recurrence of the punishment which may be the means of deterring him, and through his example others, from the commission of crime.

Moreover, the inefficiency necessarily inherent in a system thus administered has probably been greatly aggravated by a total disregard, in practice, of the fundamental conditions on which remission, as an essential part of it, is deemed to be justified. The expediency of remitting a portion of the punishment due to the offence is based on the assumption that the good conduct of which it is the reward gives proof of the reformation of the convict. Nevertheless, to protect him, on his first return to freedom, from the temptations to which he is likely to be exposed, and as some security to society against his relapsing into crime, his reformation is to be tested by a continuance of good conduct for the period which is thus remitted to him, and the conditional pardon thus granted is to be revoked if the condition on which it rests should be broken. Accordingly, on the ticket of leave granted to a criminal on remission a notice is invariably indorsed in the following terms:

NOTICE.

1. The Licence is liable to be revoked in case of misconduct.

2. It may be revoked in the case of the holder of it being convicted of any new offence, unless the punishment for that offence extends beyond the term of his former sentence.

But it is not necessary that the holder should be convicted of any new offence.

If he associates with notoriously bad characters, and leads an idle and dissolute life, with no visible means of obtaining an honest livelihood, he will be liable to be re-committed to prison under his original sentence.

3. If his Licence is revoked, he may have to undergo the whole remaining portion of his original sentence.

It is on the rigorous enforcement of these conditions that the efficacy of this system, so far as remission is concerned, according to the view of those who uphold it, entirely depends. The purpose to be effected is not only to keep the liberated convict from committing fresh crime, but to restrain him from falling anew into his former habits and associations, lest under their influence he should again be led into crime. It is therefore provided that if he associates with notoriously bad characters and leads an idle and dissolute life, with no visible means of obtaining an honest livelihood, his licence shall be liable to be forfeited. It is startling to find that this provision, deemed to be so essential to the working of the system, has been purposely and systematically violated; but that such has been the case appears from the following passages in the evidence of Sir Richard Mayne:—

1624. While the punishment of transportation still continued, you are probably aware that many were pardoned after a little more than half of their sentences had expired; were any of those ever placed under your supervision?—Not in any way; but there was this difference as to the observation of the police being incidentally kept upon them, that with regard to those who were released on ticket of leave, they were directed not to notice them, as they were looked upon as persons who must be considered reformed, and therefore the police were not to notice them, lest it might make them known, and interfere with their getting employment.

1625. That was the hypothesis, that they were persons who had received a remission for such good conduct, that you might presume in them a certain degree of reformation?—That was the opinion and ground upon which the police were directed to act; therefore, with regard to the enforcement of the provisions of the Public Houses Act, the police were directed, while they noticed the old convicts, not to notice or point out the ticket-of-leave or licence holders.

1626. What do you mean by noticing or pointing out?—There is a provision under the Act I have referred to, to this effect, making it penal for any person to harbour known thieves and prostitutes, and the police constantly visit the houses where these persons are known to frequent, and they point them out, but the ticket-of-leave men they do not point out.

1627. Is that practice still persevered in?—Yes.

1628. Who points them out?—The police officers; there is a certain number in each division having a special knowledge of such persons, and they are directed to visit the public-houses; they are usually accompanied by a superior officer, and he says to the publican or the refreshment-house keeper, "You are committing an offence;" he says, "I do not know these persons;" the policeman says, "That person is a thief," and so on, but the ticket-of-leave men they do not point out.

1629. That is for harbouring known thieves?—Yes.

And again:—

1790. I think you say that under the existing system it is what may be called the reverse of supervision, that not only are persons holding these licences not under the inspection of the police, but the police are actually directed not to interfere with them?—That is so, except in some cases; they are distinctly forbidden to interfere with them without my directions. In a particular case I have given such directions, but in very few cases, where previous circumstances, and the nature of the crime of which the party had been convicted, and the employment he was then in, made me consider it my duty to let the party who was employing him know his previous character; but that has been very rarely acted upon.

1791. I think you stated that that principle is carried out so far that even in the case of the ticket-of-leave men frequenting suspected houses haunted by thieves, when the police see them, and also thieves in the house, they may warn the keeper of the house against the thieves, but they are not allowed to point out the ticket-of-leave men?—There is a distinct order given to the police to that effect; it was given by me, believing that that was the view that the legislature and the authorities desired should be carried out.

1792. What in your opinion is the natural tendency and effect of such a system upon those men who are holders of tickets of leave, and who are frequenters of these houses?—The natural effect is to give

them opportunities to commit crime, which they might otherwise not have.

A convict liberated on a ticket of leave is therefore fully aware that, provided he can escape a further conviction, he may return to his former evil associates and practices without any fear of his licence being revoked, while if he should be unfortunate enough to incur a fresh conviction, the unexpired period under his first sentence will probably be merged in the period to which he will be condemned under the second.

It is not to be wondered at if, thus administered, Penal Servitude has failed to produce on the minds of the criminal class that salutary fear which is essential to the efficacy of punishment. It need no longer surprise us that instances have occurred of persons in destitute circumstances actually committing offences for the purpose of being condemned to Penal Servitude with a view of thereby improving their condition.

On this head the evidence of Mr. John Smith, for 22 years governor of the prison at Edinburgh, will be found extremely material:—

4947. In the discharge of your duties as governor, have you had opportunities of judging what is thought of the punishment of penal servitude by convicts who have undergone it?—I have had many convicts who have undergone sentences of penal servitude who have been re-committed to the prison in Edinburgh during the last eight years; I have frequently conversed with them, and I can only remember one or two instances where the parties dreaded again being sent to penal servitude. The punishment in itself did not appear to have been formidable to them, and it was quite common for them to speak with gusto of the light work and excellent rations in the penal servitude prisons. Repeatedly they have stated to me that an English convict prison was not only more comfortable than a Scotch county prison, but greatly more comfortable than a Scotch workhouse. After a sentence and before removal, returned convicts always grumble until they are removed to the superior comforts of the convict prisons.

4948. Do you think that the accounts given of the punishment by the returned convicts have or not the effect of rendering it formidable in the eyes of the criminal classes in Scotland?—I do not think that the accounts given of penal servitude by the returned convicts have the effect of rendering it formidable in the eyes of the criminal classes; many of them boast that the labour is light, and that the dietary is abundant and good. The punishment, excepting perhaps the few months of separate confinement at the commencement, was not formidable to themselves, and anything which they would say of it would not I think be calculated to make it appear formidable to others. The dietary, I know, not only from the statements of returned convicts, and the published dietary tables, but from having personally examined it in three of the principal convict prisons in England, is not only much superior to that of the Scotch county prisons and poor houses, but what

is of much greater and graver importance, it is far superior to that which the honest labouring man or mechanic having a family to support can possibly procure. The struggle for bread is the main struggle of life, and no punishment ever will appear very formidable to the poor where for comparatively light labour there is good and warm clothing, excellent lodging, and abundant food.

When we proceed to inquire in what respects our system of Penal Servitude is capable of being amended, it becomes necessary to consider the subject with reference, first, to the severity of the punishment; secondly, to its duration; thirdly, as to whether any portion of the sentence should be remitted.

And it is necessary to consider the subject both with reference to Penal Servitude at home, and Penal Servitude in Western Australia. For, though the increased demand for convict labour in Western Australia will enable us to send the majority of our convicts to that colony, yet it is probable that at least a third part of the persons annually condemned to Penal Servitude will be unfit for transportation, and must be dealt with at home; and though Western Australia may be able and willing to relieve us of 1,000 convicts annually, for the present, yet it is not improbable that at no very distant period this outlet may fail us. It becomes necessary, therefore, as there may be considerations which apply in the one case and not in the other, to look at the subject with reference to both cases. For the present I proceed to treat it with reference to Penal Servitude in this country alone.

In entering on this branch of the subject it is necessary to bear in mind what are the purposes for which the punishment of offenders takes place. These purposes are twofold; the first, that of deterring others exposed to similar temptations from the commission of crime; the second, the reformation of the criminal himself. The first is the primary and more important object: for though society has, doubtless, a strong interest in the reformation of the criminal, and his consequent indisposition to crime, yet the result is here confined to the individual offender, while the effect of punishment, as deterring from crime, extends not only to the party suffering the punishment, but to all who may be in the habit of committing crime, or who may be tempted to fall into it.

Moreover, the reformation of the offender is in the highest degree speculative and uncertain, and its permanency, in the face of renewed temptation, exceedingly

precarious. On the other hand, the impression produced by suffering, inflicted as the punishment of crime, and the fear of its repetition, are far more likely to be lasting, and much more calculated to counteract the tendency to the renewal of criminal habits. It is on the assumption that punishment will have the effect of deterring from crime that its infliction can alone be justified, its proper and legitimate purpose being not to avenge crime but to prevent it.

The experience of mankind has shown that though crime will always exist to a certain extent, it may be kept within given bounds by the example of punishment. This result it is the business of the lawgiver to accomplish by annexing to each offence the degree of punishment calculated to repress it. More than this would be a waste of so much human suffering; but to apply less out of consideration for the criminal is to sacrifice the interests of society to a misplaced tenderness towards those who offend against its laws. Wisdom and humanity, no doubt, alike suggest that if, consistently with this primary purpose, the reformation of the criminal can be brought about, no means should be omitted by which so desirable an end can be achieved. But this, the subsidiary purpose of Penal Discipline, should be kept in due subordination to its primary and principal one. And it may well be doubted whether, in recent times, the humane and praiseworthy desire to reform and restore the fallen criminal may not have produced too great a tendency to forget that the protection of society should be the first consideration of the lawgiver.

If the position be well founded that the principal value of punishment consists in its effect in deterring from crime, as its efficacy in this respect must be in proportion to its severity, it follows that punishment should be made as rigorous as is compatible with a due regard to humanity and consistent with the health of body and mind of those subjected to it. I cannot, therefore, concur in the opinion that the present rate of labour, especially while the existing diet is maintained, is as much as ought to be exacted. Moreover, I cannot but think that in respect of the solitary imprisonment preliminary to the labour on public works, the convict under a sentence of Penal Servitude ought to be placed on the same footing as the convict under a sentence of imprisonment. At present the preliminary soli-

tary confinement of convicts under sentence of Penal Servitude is limited to nine months; while, as has been mentioned, imprisonment in the case of offenders of a lower degree is extended to eighteen. Now, as has been shown, imprisonment is the severer form of punishment. As we have seen, it is because the longer duration of imprisonment would be inconsistent with the power of endurance of the prisoner, that, when the maximum of imprisonment becomes inadequate to the gravity of offence, it becomes necessary to resort to out-door labour. But there can be no reason why, since imprisonment and labour in prison form the heavier punishment, the more guilty criminal should be exempted from any part of the more painful punishment which the minor offender has to undergo. Whatever, therefore, may be the maximum of the solitary and severer imprisonment inflicted on convicts sentenced to imprisonment and hard labour simply, the same, as regards both duration and severity, should be undergone by the convict condemned to Penal Servitude.

And here it may be permitted incidentally to remark that it is most desirable, not only that the two forms of punishment, imprisonment and Penal Servitude, should thus be brought into unison, but also that greater uniformity should be introduced in the discipline of our various prisons. It is well known that the discipline of different gaols varies materially. In some, severity is carried to the extreme of rigour; in others, the excess is in the opposite tendency. The same sentence which carried out in one prison would be a most severe one, might be inadequate to the gravity of the offence if suffered in another. It is obvious that one uniform system should be universally established, so that the inequality of punishment which must otherwise exist may thereby be prevented. Whatever may be thus established as the discipline to which the convict sentenced to imprisonment is to be subjected, the convict sentenced to Penal Servitude should equally be compelled to undergo, and this for the full extent of the longest period to which imprisonment under sentence of confinement is carried.

In proportion as the severity of the punishment is increased, so may its duration be abridged. And it is obviously the interest of the community that, while a strong impression is produced by the severity of the punishment, and a salutary dread of its renewal is brought

to operate on the mind of the convict, the period of its continuance should not be prolonged beyond what is necessary to counteract the inducement to break the law which the advantage or gratification resulting from the particular offence may bring to bear in an opposite direction. For, convict labour, as compared with free labour, especially when the cost of guarding and maintaining the criminal is taken into account, is necessarily unprofitable. And the community has plainly an interest in restoring him to a state of freedom so soon as it may be presumed that the punishment undergone will have the desired effect of deterring him from a repetition of the offence.

The question whether the shorter periods of Penal Servitude, recently resorted to, shall be abrogated, and the minimum further raised, must obviously depend on whether the present mild form of Penal Servitude shall be retained, or the discipline shall be rendered more severe. If things are to remain as they are, more especially if the remission of a portion of the sentence is still to take place, there cannot be a question that the three-year sentences should be done away with and longer periods substituted. Indeed, it is more than probable that if the judges had been aware of the mildness with which the punishment of Penal Servitude was administered, but few of these sentences would have been passed. On the other hand, if Penal Servitude is to be, as I cannot but think it ought to be, more rigorously carried out; and if, as I have ventured to suggest, the maximum of solitary imprisonment shall be undergone in every sentence of Penal Servitude, and especially if remission be done away with, there seems no valid ground for thinking that a period of 18 months of forced labour on public works, superadded to the like period of solitary confinement, would not be an adequate and fitting punishment in cases in which the maximum of imprisonment might not be altogether sufficient. At all events I can see no reason for thinking that it is necessary, or indeed just, to pass abruptly from an imprisonment of 18 months to the period of five years, or thereabouts, of Penal Servitude, which, when allowance has been made for remission, is the minimum recommended by the Report of the Commission.

It now becomes necessary to consider the question whether remission of a part of the sentence shallstill be

continued. Upon this point I have the misfortune to differ from the rest of the members of the Commission. It appears to me most material to the full efficiency of punishment that its infliction shall be certain. The chances of eluding detection, or of escaping conviction, already introduce a degree of uncertainty sufficient to neutralize to a considerable extent the salutary restraint which the fear of punishment would otherwise engender. If to this be added a doubt whether, when conviction has taken place, the sentence pronounced by the judge will be fully carried into effect, a new element of uncertainty and confusion is necessarily introduced. It is essential that the sentence of the judge, once pronounced, should, except under very special and exceptional circumstances, be carried into effect to the full extent of its requirements. The fact that by good conduct while under sentence a convicted criminal can escape a portion of the punishment is calculated to detract from its effect in deterring from crime. Even, if the judge were on each occasion of passing sentence to explain the effect of the real sentence as distinguished from the nominal one, the information thus conveyed is confined to those who hear it. The fact that a portion of every sentence passed by the judge is to be remitted becomes generally known among the criminal part of the population, and there will be a natural tendency to exaggerate the amount. The effect of the sentence becomes proportionally weakened. It remains to be seen whether the evil thus resulting from remission is outweighed by any advantages arising from it.

The practice of remission is upheld on two grounds; the first, that without this motive to obedience and good conduct, bodies of men brought together for the purpose of enforced labour cannot well be kept under control; the second, that through this inducement to industry and good conduct the moral reformation of the criminal may be brought about.

As regards the first point, evidence was no doubt given before the Commission by witnesses connected with prison government, to the effect that in their opinion convicts employed on public works could not be managed without difficulty, unless a motive for obedience and good conduct were supplied by the prospect of remission as its reward. An instance is referred to in which convicts, on the prospect of remission being withheld, became sullen

and refractory, and unwilling to labour. I must say this evidence, however honestly given, is not to my mind satisfactory. There can be no doubt that the prospect of remission as consequent on good conduct has the effect of making convicts more easily manageable, and contributes materially to lighten the duties of those who have the charge of them. Hence arises a tendency to think well of a system which works easily and smoothly, and to exaggerate the difficulties of dealing with convicts under a different state of circumstances. The manifestation of refractory disposition referred to arose at Portland, when, on a transition from the former system to the new, men entitled to remission were mixed with others who were not, whence the latter became discontented and refractory. This mutinous tendency was, however, suppressed with but little difficulty, and never appears to have revived. I can see no reason to think, considering the powers of coercion, discipline, and reduction of diet, possessed by the prison authorities, that by the application of firmness and determination, with a sufficient force of officers, convicts, especially if not massed in too great numbers but judiciously distributed, may not be kept under perfect control and discipline.

Whether remission may be made the means of reclaiming the criminal is a question deserving of most attentive consideration. Although the industry and good conduct of the convict may proceed from no higher motive than the desire to escape from a portion of his punishment, possibly with the intention of returning to his prior habits and practices, yet it may be true that the habit of industry thus acquired, associated as it is in the mind of the convict with the idea of the improvement of his position, is calculated to engender a disposition to industry and a sense of its value, and thus to effect his reformation.

Whether this theory be well founded may, however, be open to considerable doubt. Of the convicts who do not relapse into crime it is difficult to say how many abstain from it from the effect of the punishment undergone, how many from having become reformed through the hope of having a portion of the punishment remitted. It may be doubted whether the proportion of convicts convicted a second time is greater in the case of those condemned to imprisonment, in whose favour no remission is made, than of those condemned to Penal Servitude and who have a portion of their sentences remitted.

The evidence of Mr. John Smith, the governor of the prison at Edinburgh before referred to, is well worthy of attention on this head. Being asked, "Do you think "that the return of convicts to their native counties after "having undergone a sentence of Penal Servitude has any "injurious effect on the population, or that they are apt "to lead young persons with whom they come into con- "tact into the commission of crimes?" he says— 4949.

Of course there are exceptions; men who may have committed a forgery, a breach of trust, or a serious assault (offences which the law could not visit with a less punishment than that of penal servitude), would not, in most cases, again commit a similar offence, even if they were discharged immediately after trial; and the return of such men to their native counties, if they have not been corrupted by being associated with thieves on the public works connected with convict prisons, is not, I think, likely to act very injuriously on the population, or on those with whom they come in contact. But the effect produced by the return of habitual thieves and burglars, by far the most numerous class, is, I believe, of the most injurious kind. Many of these having on the public works at the convict prisons, unavoidably perhaps, come into contact with the worst class of prisoners from the large towns in Great Britain and Ireland, and from all parts of the world, return to their native counties much worse than when they were sent away. Very many instances of this have come under my observation. It cannot be doubted that such returned convicts exercise a great and pernicious influence on the young.

Being further asked, "Do you think that it is or is not in "general the wish of returned convicts to avoid returning "to criminal courses, and to maintain themselves by "honest industry, and when such is their wish do they "find it difficult in Scotland to obtain employment?" he says— 4950.

Excepting those mentioned in my answer to the preceding question, who have been sentenced for offences such as forgery, breach of trust, and assault, and excepting also a class who may be termed occasional thieves, and who steal only under the influence of intoxicating liquor, I have not observed that it is the wish of returned convicts to maintain themselves by honest industry. Those who have been habitual thieves appear to go at once to their old haunts and consort with such of their old associates as they can find. The competition of the labour market of this country is so great that the convict who wishes to do well is doubtless placed at a disadvantage. He has to contend against superior skill (which the well-doing man almost always possesses) and superior character, which enters as an element whenever the employer of labour can select his men. He has also against him the wholesome dislike which the honest labouring poor have to being associated in any way with persons who have been convicted of theft. The great want, however, is, I think, want of will to do well. Where there is great earnestness of purpose, as I have seen in one or two instances of returned convicts, they contrive to get on, although the struggle is a hard one.

If these statements are correct, they certainly would lead us very seriously to doubt whether the system of mild punishment with remission as the incentive to reform has practically the beneficial effect which over-sanguine philanthropists may bring themselves to believe. The Rev. J. Davis, chaplain of Newgate, states that the men "in the latter part of their imprisonment get together; "the men from one part of England, from Newcastle and "Birmingham, and other places are told where to go to "in London; they do not go to the same places where "they have been formerly convicted; they are unknown "to the police in London, and they carry on their depre- "dations to a considerable extent. These men often are "the leaders of others, and they either do the acts them- "selves, or they teach other men to do them; they teach "the less-experienced men how to carry on their wicked- "ness. Almost all the garotte robberies have been done "in that way, and are under the leadership either direct "or indirect of ticket-of-leave men who have been dis- "charged." How little dependence is to be placed on good conduct and apparent industry while undergoing sentence, may be gathered from a further statement of
4952. Mr. Smith. "As a rule," he remarks, "the prisoners who "are the most dangerous to society are the best conducted "while in prison. This makes all marks for mere good "conduct in the observance of rules, &c., and all pro- "fessions of amendment, perfectly fallacious as indicating "their real state."

It is, no doubt, true that the habit of industry, no matter from what motive it may proceed, if connected with the idea of benefit to the individual, may have a tendency to engender a permanent disposition to honest labour. I am not insensible to the value of this species of training, but I too much doubt its effect in the great majority of cases to think it expedient to prolong the imprisonment of a convict on the speculative possibility of so uncertain a result. It might, however, especially when a part of the sentence has been undergone, be well to allow some small indulgence as the reward of industry and good conduct. Some improvement in diet, or a small allowance of tobacco, for which latter article the men appear to entertain the greatest desire, might be applied with advantage.

Before quitting this part of the subject I cannot but observe that if remission as a means of reform is to be continued, its operation should be extended to prisoners

under ordinary sentences of imprisonment. No reason can be given why a distinction should be made between them and persons guilty of crimes of a deeper dye, in favour of the latter.

Connected with this branch of the inquiry arises the very important question as to the supervision of convicts during the period of remission. Those who advocate remission, make supervision an essential element in their system, as necessary not only for the security of the public, but also for the protection of the convict himself when first set free and exposed anew to temptation. But it may be questioned first, whether supervision is practicable; secondly, whether, if practicable, it is not more mischievous than beneficial. There can be little doubt that by change of name, and change of locality, which, as we have just seen, is largely resorted to for this purpose, holders of tickets of leave can without much difficulty elude the vigilance of the police; and no adequate means have been suggested for satisfactorily overcoming this difficulty. But a far more serious objection arises from the fact that, at least in this country, any supervision by the police, or other officer appointed for the purpose, would be fatal to the convict's chance of employment, on which his continuing in the right course, if so disposed, so materially depends. Police supervision is incompatible with the concealment of the man's antecedents, while, in the great majority of instances, the well-doing of the convict must depend on his secret being kept. Few masters would employ a man who was known to be a convicted felon, and an equal obstacle would be found in the disinclination of other labourers to be associated with one thus degraded. The evidence of Sir Joshua Jebb is very conclusive on this point.

528. Supposing all holders of licences were immediately put under the surveillance and supervision of the police, do you think it would assist them in procuring employment, or the contrary?—Quite the contrary.

529. Will you be good enough to give, shortly, your reasons for entertaining that opinion?—It very frequently happens that, either through the representations of the chaplain, or through the representations of the Prisoners' Aid Society, benevolent masters will employ a convict, but if the workmen find out that that man is a convict, he is quite certain to be dismissed. Many instances have come within my own personal knowledge of the hardships experienced by ticket-of-leave men under those circumstances.

530. You refer to the fellow workmen of such a man?—Yes.

It would seem, therefore, that if remission is to be continued, it would be better that it should not be attended by any attempt at supervision, the beneficial effects of which, from the difficulty of carrying it out, are doubtful, while its mischievous tendency, so far as relates to the welfare of the convict, is apparent. It would seem to be better to leave the liberated convict to take his chance of finding employment and making his way as he can, than to fetter him with a clog which may prevent the possibility of honest exertion.

804, 805. It appears that the system of surveillance so largely tried on the continent has been found to work very ill. In France it has lately been discontinued to a great extent.

The example of Ireland is referred to as showing that Penal Servitude, with the accompaniments of gratuities, remission, and supervision, can, under proper management, be successfully carried out, with beneficial results.

Assuming this to be so, it is, in the first place, to be observed that the conditions are widely different in the two countries. In Ireland the population, between the years 1845 and 1861, by famine, by pestilence, and by an emigration the like of which has not been known in modern times, was reduced from 8,175,124, the number given by the census of 1841, to 6,552,385 in 1851, and again to 5,764,543 in 1861. A corresponding diminution in the amount of crime naturally followed. In 1849, we have 21,202 convictions; in 1853, 8,714; in 1855, 5,220. Of sentences to death, transportation, or Penal Servitude, we have, in 1849, 3,088; in 1853, 987; in 1855, 523; in 1856, 394.

The decrease of the population having been in that class which, from being exposed to privation and want, is the most liable to crime, and from which the labour market is supplied, the necessary effect as to those who remained has been to increase the demand for labour, to which latter result the influx of capital into Ireland of late years has materially contributed, and thus the condition of the poorer classes has been improved. Hence, not only has the tendency to crime been diminished, but also, from the greater demand for labour, the convict stands a much better chance of obtaining employment than he does in this country, where the employer, having a greater latitude of choice from the overstocked condition of the labour market, is less disposed to accept the services of men who have been convicted of crime.

Again, it is obvious that the smaller number of convicts renders supervision much more practicable in Ireland than in this country, especially as the facility afforded here to the ticket-of-leave men by the vast size and population of the metropolis and other large towns for evading the supervision to which they may be nominally subject, does not there exist.

Nor should we lose sight of the degree in which the exertions of an energetic and philanthropic individual have contributed in Ireland to the successful working of Penal Servitude with remission, in effecting the reform of the convict. It may be very doubtful whether officers will readily be found who will take the same interest in these fallen men, still less who will be able to bring the same ability and judgment to bear upon the subject, or be able to gain the same beneficial influence over their minds. Still more doubtful is it, whether, under the far greater difficulties existing in this country, any amount of ability and zeal could accomplish a satisfactory result.

As regards the effect which Penal Servitude, as carried out in Ireland, has had in deterring from crime, no difference appears to exist between Ireland and this country. In 1860, the number of convictions was 2,979; the sentences of death, or Penal Servitude, 304. In 1861, the number of convictions was 3,271, the sentences to death, &c., 356; in 1862, the number of the former 3,769, of the latter 585. Hence it appears that the cause or causess, whatever they may have been, which produced the sudden and startling increase of crime in England in 1861 and 1862, have also been in operation in Ireland, and that the punishment of Penal Servitude as there administered has not been sufficient to prevent it.

I have hitherto considered the question of remission with reference to Penal Servitude at home. Happily the urgent demand for labour in Western Australia renders that colony willing to take from us a very large proportion of our convicts for employment on public works in that country. There can be no doubt of the wisdom of profiting by this opportunity of relieving ourselves from the embarrassment occasioned by the accumulation of convicts in this country. Not only will the mother country be benefited, but a new field is hereby opened to the convict, if disposed to profit by the lesson he has received and to enter on a new life. The probability is,

that at the expiration of his sentence he will be absorbed into the population of the colony, where he may become a useful member of society, and at all events will trouble this country no more. When the question of remission is considered with reference to convicts transported to Western Australia, it must be acknowledged that some of the principal objections to remission disappear. The evidence of persons conversant with Western Australia establishes that, owing to the state of the colony, the temptations to crime are small, and the opportunities rare; while, from the demand for labour, the rate of wages is sufficiently high to hold out a strong inducement to honest industry. The danger of a convict relapsing into crime is therefore comparatively small. On the other hand, from the thinness of the population, supervision becomes easy, and detection, in the event of a relapse, would be certain, while escape from the colony, owing to physical difficulties, would be all but impossible. The only objection, therefore, to remission in the colony is that which arises from its detracting from the deterring effect of the punishment. Against this, however, may be set the fact that, where transportation takes place, there becomes superadded to the punishment the removal to a far distant part of the world, and with it the total severance of all former ties and associations, with but little probability of a man's finding his way back when his sentence has expired. It is true that, in the hope of bettering their social condition, emigrants every day leave these shores with a view of permanently settling in distant lands. But compulsory exile is a very different thing, especially to the habitual criminal, whose consolation under punishment is probably the prospect of rejoining his associates, and resuming his former habits, when again set free. To these men I cannot but think that transportation is a considerable aggravation of punishment, especially if it is understood that until industry and good conduct shall have entitled them to remission, the punishment will be enforced in the colony with the same rigour which characterizes it at home.

I concur, therefore, with the other members of the Commission in thinking that, as respects convicts sent, after having undergone a portion of their sentence in this country, to Western Australia, remission of some part of the punishment might, on condition of good conduct during the time remitted, be allowed.

As respects convicts detained at home, I cannot, for the reasons already given, concur in recommending that any remission should take place. My persuasion is that punishment should be made as rigorous as is consistent with health of body and mind; that, being rendered thus rigorous, it should not be prolonged beyond what is necessary to deter from similar crime; but that, the sentence of the judge once pronounced, the punishment should be suffered for the full and entire period of the sentence.

A. E. Cockburn.

Memorandum by Mr. Childers.

I have signed this Report, as I agree generally in its recommendations relative to the length of sentences, to the treatment of offenders in convict prisons, and to their supervision after discharge. But I dissent from the proposals as to transportation; both for the reasons stated in the amendment which I moved to paragraphs 44 and 45, and because, in my opinion, the measures recommended, while costly to this country and odious to her colonies, would at best only afford a brief delay in the solution of a question daily becoming more difficult.

Hugh C. E. Childers.

EXTRACT FROM MINUTES OF PROCEEDINGS,

Showing the AMENDMENTS proposed to the DRAFT REPORT and DIVISIONS thereon.

Saturday, 30th May 1863.

Commissioners present:—

Earl Grey.	Mr. Henley.
Lord Cranworth.	Mr. Waddington.
Mr. Bouverie.	The Recorder.
Sir J. Pakington.	The O'Conor Don.
Mr. Walpole.	Mr. Childers.

Earl Grey in the Chair.

Draft Report considered.

Paragraph 30.

This paragraph was read as follows:—*

30. The increase in the number of offences which is thus shown to have recently taken place in England and in Ireland, and, to a minor degree, in Scotland, cannot be regarded as leading by itself to the conclusion that the present system of punishment is faulty. The number of crimes committed at any given time in the country, is probably less affected by the system of punishment which may be in use, than by various other circumstances, such as the greater or less welfare of the population, the demand for labour, the state of the police, and the manner in which justice is administered; but allowing for the influence of other causes, from the evidence we have received there seems reason to believe, that the recent increase of offences is at least partly attributable to defects in the system of punishment now in force, *and to the fact that there has been an accumulation of discharged convicts at home, owing to the comparatively small number sent to a penal colony since* 1853.

Amendment proposed (Mr. *Childers*), to omit all the words after the word "force" to the end of the paragraph.

Question, "That the words proposed to be omitted stand part of the report," put. The Commissioners divided:

Ayes.	Noes.
Earl Grey.	The O'Conor Don.
Lord Cranworth.	Mr. Childers.
Mr. Bouverie.	
Sir J. Pakington.	
Mr. Walpole.	
Mr. Henley.	
Mr. Waddington.	
The Recorder.	

---

* Where an amendment was proposed to part only of a paragraph, such part is printed in italics.

Wednesday, 3rd June 1863.

Commissioners present:—

Earl Grey.	Mr. Henley.
Lord Naas.	Mr. Waddington.
Lord Cranworth.	The Recorder.
Mr. Bouverie.	The O'Conor Don.
Sir J. Pakington.	Mr. Childers.
Mr. Walpole.	

Earl Grey in the Chair.

Draft Report further considered.

Paragraph 36.

This paragraph was read as follows:—

36. It is also desirable that longer sentences should be passed on habitual thieves and professional criminals, than on persons of a different character, convicted of similar offences. There is in the metropolis, and other large towns, a class of persons who are so inveterately addicted to dishonesty, and so averse to labour, that there is no chance of their ceasing to seek their existence by depredations on the public, unless they are compulsorily withdrawn for a very considerable time from their accustomed haunts. Such persons may sometimes be guilty of only minor offences, yet by the continual repetition of such offences they may inflict more loss upon the public, while they are also much less likely to become reformed, than men who under great temptation commit a grave but single crime. The law already recognizes the propriety of awarding heavier punishment to criminals on a second conviction, but this principle requires to be more fully acted upon. Many old offenders are brought to trial without being recognized as such, and more effectual means should be adopted for ascertaining any previous convictions incurred by a prisoner, and bringing them under the consideration of the court before which he may be tried for a fresh offence. *We consider it to be beyond our province to enter into the inquiry as to how this object might be accomplished; but we have no hesitation in expressing our opinion, that it is one to which the attention of the Government should be directed.* We have mentioned that a rule has lately been laid down by which no convict, under a second or subsequent sentence of penal servitude, is to be allowed the same amount of remission as convicts who have not already enjoyed, and abused, the indulgence of a licence. These cases are to be reserved for special consideration. *If, however, remission is to be given in any case, we do not think it desirable that this distinction should be made.* The object which the rule aims at will be better attained by passing longer sentences on re-convicted prisoners, than by removing their chief inducement to industry and good conduct, whilst they are undergoing their punishment.

Amendment proposed (Lord *Naas*), to omit all the words after the words "fresh offence" to the word "directed," inclusive, in order to insert the words following:—

"In all cases where the sentence of penal servitude is passed on re-conviction, the period of supervision on release on ticket of leave should be increased to double the longest period of supervision on licence which, under the former sentence, the convict could have been subjected to. For instance, if a man who had undergone seven years penal servitude is sentenced to a similar punishment, an additional period of three years of probation on ticket of leave should be attached to his sentence, making his two sentences amount to 17 years of detention and supervision. In case of further conviction the rule should be adhered to, and the period of supervision should in each case be double in length to that which was endured before. Under a properly organized system of this kind the habitual criminal would, after some time, find himself under restraint for life, and would have to determine to emigrate, to adopt an honest life, or to spend the remainder of his days in prison."

Amendment withdrawn by leave.

Paragraph 36.

Another amendment proposed (Mr. *Waddington*), to omit all the words after the words "special consideration" to the word "made," inclusive.

Question, "That the words proposed to be omitted stand part of the report," put. The Commissioners divided:

Ayes 9.	Noes 2.
Earl Grey.	Mr. Walpole.
Lord Naas.	Mr. Waddington.
Lord Cranworth.	
Mr. Bouverie.	
Sir J. Pakington.	
Mr. Henley.	
The Recorder.	
The O'Conor Don.	
Mr. Childers.	

Paragraph 37.

This paragraph was read for the first time as follows:—

37. The great latitude allowed by law in the sentences which may be pronounced, has led to a striking inequality in the punishments inflicted by different judges for the same offences committed under similar circumstances. This inequality is a natural consequence of the dissimilar views which various minds, acting independently, must inevitably take of the degree of severity properly applicable to the cases that arise. It is, never-

theless, productive of much mischief, especially by encouraging criminals to speculate on the chance of receiving, if convicted, the minimum of punishment ever known to be inflicted. *Considering, however, how various the degrees of criminality are, in offences, which, even in the most elaborate system of classification, must fall under the same head, we are not satisfied that the discretion intrusted to the Courts is,* upon the whole, larger then is expedient.

Amendment proposed (Sir *J. Pakington*), to omit all the words after the word "inflicted" to the word "upon," in order to inser the words following:—

"There can be no question that very great variety exists in the degree of criminality in offences which, even in the most elaborate system of classification, must fall under the same head, but we must express a doubt whether the discretion intrusted to the courts in this respect is not"

Question, "That the words proposed to be omitted stand part of the report," put. The Commissioners divided:

Ayes 3.	Noes 6.
Earl Grey.	Lord Naas.
Lord Cranworth.	Sir J. Pakington.
The Recorder.	Mr. Walpole.
	Mr. Waddington.
	The O'Conor Don.
	Mr. Childers.

Words proposed by Sir *J. Pakington* inserted.

Question, "That the paragraph as amended stand part of the report," put. The Commissioners divided:

Ayes 5.	Noes 4.
Lord Naas.	Earl Grey.
Sir J. Pakington.	Lord Cranworth.
Mr. Waddington.	Mr. Walpole.
The O'Conor Don.	Mr. Henley.
Mr. Childers.	

Paragraph 42.

This paragraph was read as follows:—

42. We see nothing, therefore, in the result of the experiment of discharging convicts under licence, as it has been hitherto tried, to lead us to anticipate that such a system would fail if carried into effect in a different manner. We believe on the contrary that this system, coupled with a general prolongation of sentences of penal servitude, and arrangements for placing convicts, when so discharged, under effective control and supervision, would afford the best prospect of giving to society a real protection against criminals, without subjecting them to undue severity. No doubt there would be much difficulty in securing an effective super-

vision of convicts discharged at home under licence, but the object is one of such extreme importance that it ought to be attempted. With this view we are of opinion that licence holders ought to be placed under *the supervision of an officer of the convict department, who, with proper assistants, should discharge with respect to them the duties performed in Dublin by Mr. Organ. As in Dublin, the support of the police ought to be given, when required, to the officers entrusted with this task, but in other cases the police should abstain from any interference with the licence-holders, in order not to increase the difficulty of their obtaining employment.* Some changes in the law would be necessary in order to enable the Government to exercise a proper authority over this class of convicts. In the first place, *in order that a licence holder may be compelled to preserve his licence, it ought to be made an offence for him not to produce it when duly required ;* and there ought to be a power given to apprehend licence holders believed to have been guilty of misconduct, before the actual revocation of their licences. Provision should also be made for enabling magistrates to hear evidence upon oath, as to any breach of the conditions indorsed upon the licence, imputed to a licence holder, and to adjudicate upon the fact, with a view to the revocation, or in trivial cases the suspension for a longer or shorter time, of the convict's licence. Above all, it ought to be provided, that if a licence holder is convicted of any serious offence this shall be considered such a breach of the conditions of his licence as to cancel it, making him *liable to be remanded to a convict prison for the whole portion of his original sentence that remained unexpired when he was discharged, to which should be added the term of any new sentence he might have incurred. This last provision* would remove one of the causes which has most tended to render nugatory the conditions indorsed upon licences. Under the law as it stands these licences, have generally not more than six or nine months to run when first granted ; hence if the holders are committed to prison for some new offence, it generally happens that by the time they come out, so little, if any, of their original sentence remains unexpired that it is not worth while sending them back to a convict prison, where perhaps they would only be detained for a few days. They thus practically escape incurring any punishment whatever for the breach of the conditions on which they were released. In making these changes for the more effectual control of convicts discharged with licences, we think it would be right also to alter the terms on which they are granted in their favour, by omitting the words which render the licences available only within the United Kingdom. Under these words it seems that in strictness of law licence holders are guilty of *an offence if they emigrate to a colony, while it certainly is undesirable to oppose any obstacle to their doing so.*

Amendment proposed (Mr. *Walpole*), to omit all the words after the words "placed under" to the word "employment," in-

clusive," in order to insert the words following :—"supervision. In the first place, the licence holder ought to report himself to the police when he proposes to change his abode from one place to another, and his neglect to do so should constitute an offence for which his licence might be annulled or recalled."

Question. "That the words proposed to be omitted stand part of the report," put. The Commissioners divided :

Ayes 8.	Noes 2.
Earl Grey.	Mr. Walpole.
Lord Naas.	Mr. Henley.
Lord Cranworth.	
Mr. Bouverie.	
Mr. Waddington.	
The Recorder.	
The O'Conor Don.	
Mr. Childers.	

Paragraph 42.

Another amendment proposed (Mr. *Childers*), to omit all the words after the words "in the first place" to the word "required" inclusive, in order to insert the words following :—"It should be in the power of the Government to prescribe the limits within which a convict must reside, and, as a general rule, this power should be exercised in such a manner as to preclude licence holders from returning to their former associates, or from congregating in the metropolis and the large centres of population. The limits of residence should be clearly stated in the licence, and it ought to be made a grave offence for a convict to pass those limits, or to be at large without his licence."

Amendment withdrawn by leave.

Paragraph 42.

Another amendment proposed (Mr. *Childers*), to omit all the words after the words "making him" to the word "provision," inclusive, in order to insert the words following :—"Not only liable to be remanded to a convict prison for the whole portion of his original sentence which remained unexpired when he was discharged, but also to an additional term of sentence, far more severe than that inflicted on other offenders. The latter punishment should commence at the end of the original sentence, and, in the event of any convict establishment being retained beyond the seas, it would appear desirable that, as in France, re-convicted holders of licences should be transported. These provisions,"

Question. "That the words proposed to be omitted stand part of the report," put. Affirmed without a division.

Paragraph 42.

Another amendment proposed (Mr. *Waddington*), to omit all

the words after the words "guilty of," to the end of the paragraph, in order to insert the words following:

"A breach of the conditions of the licence if they leave the United Kingdom, and of an indictable offence, if they emigrate to the colonies before the expiration of their sentence."

Question, "That the words proposed to be omitted stand part of the report," put. The Commissioners divided:

Ayes 6.	Noes 4.
Earl Grey.	Mr. Henley.
Lord Naas.	Mr. Waddington.
Lord Cranworth.	The Recorder.
Mr. Bouverie.	Mr. Childers.
Mr. Walpole.	
The O'Conor Don.	

Saturday, 6th June 1863.

Commissioners present:

Earl Grey.	Mr. Henley.
Lord Naas.	The Lord Chief Justice.
Lord Cranworth.	Mr. Waddington.
Mr. Bouverie.	The Recorder.
Sir J. Pakington.	The O'Conor Don
Mr. Walpole.	Mr. Childers.

Earl Grey in the Chair.

Draft Report further considered.

Paragraph 43.

This paragraph was read as follows:—

43. We are of opinion that by the arrangements we have now suggested the discharge of convicts at home, under licence, might be so guarded as to render them less dangerous to society than heretofore, since those among them who attempted to resume their habits of crime would speedily be sent back to punishment. *But we are far from confident that persons in this condition would find it easy to obtain an honest livelihood. Men with characters branded by their having been convicts are exposed to an almost insuperable disadvantage in the strong competition for employment in this country. Although this difficulty has been less felt in Ireland than in England and Scotland, in consequence of the exertions of Mr. Organ, yet even there, though some masters are willing to employ liberated convicts from motives of charity, it is necessary carefully to conceal their previous condition from their fellow-workmen, who would otherwise refuse to work with them. This feeling amongst the free working*

population is one which it is neither possible nor desirable to remove. Thus all the most eligible employments are practically closed against those who have once been convicts, unless they can conceal the fact; but the necessity of living a life of concealment, and the liability to be exposed at any moment by some former associate in crime, are not only the source of great misery to such men, but are far from favourable to their moral improvement. Hence it has always been the main object of those persons who have taken an interest in the welfare of liberated convicts to encourage and assist them to emigrate. Hitherto this has been accomplished, to some extent, without allowing the fact that such emigrants have been convicts to become generally known, but it is obviously impracticable that this could be carried far. It would be impossible to enable any large number of convicts to emigrate without their being recognized as such; and if it were possible, it would be wrong for the Government to take any measures for that purpose.

Amendment proposed (*Mr. Childers*), to leave out all the words after the words "to punishment" to the end of the paragraph, in order to insert the words following:—

"But we are aware that persons in this condition will not find it easy to obtain an honest livelihood. Although this difficulty will be diminished if the power to send a licence holder to a district in which he will not be brought into contact with his former associates is judiciously exercised, there will, undoubtedly, still be cases in which his previous condition will be discovered by his fellow workmen, who may refuse to work with him. And although the distinction in this respect made between those offenders who have undergone lengthened terms of imprisonment in county or borough gaols, and those who have (frequently for the same crimes) passed through convict prisons, may be to some extent unreasonable, it will probably always more or less prevail. Hence it has always been and should be the main object of those who take an interest in the welfare of liberated convicts to encourage and assist them to emigrate. This cannot be done directly by the Government, but the judicious arrangements of the Prisoners' Aid Societies will do much to carry out this object."

Question. "That the words proposed by Mr. Childers be here inserted," put. The Commissioners divided:

Ayes 2.	Noes 8.
The O'Conor Don.	Earl Grey.
Mr. Childers.	Lord Naas.
	Lord Cranworth.
	Mr. Bouverie.
	Sir J. Pakington.
	Mr. Henley.
	Mr. Waddington.
	The Recorder.

Paragraph 43.

Another amendment proposed (The *O'Conor Don*), after the word "Scotland" to insert the words following : "through the instrumentality of intermediate prisons and".

Question, "That the words proposed by The O'Conor Don be here inserted," put. The Commissioners divided :

Ayes 3.	Noes 7.
Lord Naas.	Earl Grey.
The O'Conor Don.	Lord Cranworth.
Mr. Childers.	Mr. Bouverie.
	Sir J. Pakington.
	Mr. Henley.
	Mr. Waddington.
	The Recorder.

Paragraphs 44 and 45.

Amendment proposed (Mr. *Childers*), to omit these paragraphs, in order to insert the words following :—

"We now approach the question, whether (viewing the difficulties which are experienced in the control of convicts discharged within the United Kingdom, and in securing to them the means of maintaining themselves by honest industry or of emigrating), it is desirable to return to any extensive system of transportation. At first sight such a policy would seem to be advantageous in principle and easily carried out. It appears to be still the general opinion of the judges that sentences of transportation have a more deterring effect than any other punishment. Although the foundation of any new penal settlement may be impracticable, we possess in Western Australia a colony the inhabitants of which are desirous that large numbers of convicts should be sent there; where there exists already extensive prison buildings; whence by land escape would be impossible ; and the distance of which from the United Kingdom renders most unlikely the return of any considerable number of offenders after the expiration of their sentences. It is alleged that this colony is making rapid progress in agricultural and pastoral industry, that its mines can be worked and its timber cut profitably, with an adequate supply of convict labour, and, generally, that it possesses resources sufficient for the employment of a large number of prisoners, first on public works and subsequently in private service. It is also asserted that the neighbouring colonies need be under no apprehension of injury from their proximity to a large penal population, and that this state of things, and especially the willingness of Western Australia to receive convicts, may be expected to continue for many years.

"These views, if they had been fully substantiated by evidence, might perhaps have justified us in recommending the renewal of transportation as the principal secondary punishment for grave

offences. It is true that exception has, since the time of Bacon, been taken to the wisdom of founding colonies with criminals, and that it may be doubted whether it is prudent to base the repression and punishment of offences upon an expedient, which both the evidence we have taken and past experience show will in a very few years cease to be available. But we have not found it necessary to discuss these questions. Closer inquiry has led us to the conclusion, that the immediate advantages to be derived from the proposed extension of transportation to Western Australia are very doubtful.

"In the first place, we are satisfied that such sentences of transportation would have little or no effect on the minds of criminals and their friends. All the evidence we have received tends to show that removal to Western Australia, so far from being generally regarded with apprehension by convicts, is hailed as a boon. Nor is there any prospect of its being otherwise, so long as thousands of the free inhabitants of the United Kingdom annually proceed of their own accord to the Australian colonies.

"But it may be supposed that transportation (admitting its non-deterrent character) may still be of service, as a means of removing our criminal population from the country, and thus diminishing the amount of crime. We believe this idea to be entirely fallacious. The amount of crime, in a densely-peopled country, mainly depends, in our opinion, on the facility and temptation for its commission and on the social condition of the people, not on the existence in the country of a smaller or greater per-centage of discharged criminals. We have already shown that the proportion of crime to population in each of the three kingdoms was never so small as since the cessation of transportation; nor can it be expected to be now reduced by a recurrence to that punishment, when viewed by criminals with satisfaction instead of terror.

"But although transportation to Western Australia may neither deter from crime nor diminish its amount, it has been suggested that it may be nevertheless available, in a greater degree than heretofore, as a means of ultimate disposal of prisoners, in a country where they will find advantageous employment; that with this object all convicts sentenced for any term of years, not less than seven, who labour under no disqualification, should be sent there; that they should be only employed for a short time on public works, and then be liberated on ticket of leave; and it is asserted that the colony is well adapted to receive all whom we might have to send.

"We greatly doubt the ability of Western Australia to do its part in such an arrangement. It is difficult to form a precise estimate of the number of convicts who would thus be available for removal. But even if that number should not exceed 1,500 (the sentences to death and penal servitude in the three kingdoms averaged 3,135 a-year between 1857 and 1862, and reached 4,000 in the last-mentioned year) we do not believe that they could find employment. For Western Australia is a very poor country. Even

before the discovery of gold, it had been so unable to compete with its neighbours that but for the large expenditure of imperial funds, which followed the introduction of convicts in 1850, it must have been entirely ruined. Since that date, the number of sheep and cattle, and the exports of produce, have increased far less than might have been reasonably expected from the capital and labour introduced into the colony; and although convicts have been available, both for working the mines and cutting the Jarrah timber (as to the value of which much evidence was given to the committees which sat in 1856 and subsequently), neither industry appears to have generally succeeded. The free labourers who remained in 1850 have been driven out of the field by convicts; and yet the majority of the latter seem to have also left for the neighbouring colonies as soon as they could obtain their conditional pardons. Indeed, so great an alarm was in consequence excited in South Australia, in Victoria, and even at the Cape of Good Hope, that the legislatures of those colonies have passed Acts having for their avowed object the exclusion of liberated convicts coming from Western Australia. So limited is the demand for labour in the colony that within the last few months the arrival of a convict ship, the "Merchantman," having on board 191 prisoners, entitled shortly after landing to their tickets of leave, appears to have created almost a panic. Captain Kennedy, the late governor, and Colonel Henderson, the late comptroller-general of convicts, attribute most of these unfavourable symptoms to the uncertainty which has been felt as to the future policy of Your Majesty's Government with respect to the continuance of transportation. But making every allowance for this hindrance, we are not satisfied that such an improvement in the absorbing power of the colony will take place as would justify us in recommending its use as a receptacle for the whole numberof able-bodied British convicts.

"We are aware that the early history of New South Wales was as little satisfactory as that of Western Australia, and that the present condition of the free Australian colonies has been attributed to the perseverance of the mother country, in expending large sums on the transportation and employment of convicts, whose labour is supposed to have brought about the introduction of capital, and of free settlers. But in this comparison the conditions are entirely different. The prosperity which, after many years of stagnation, came over New South Wales was due to the successful production of merino wool, and the consequent attraction of capital and labour to an industry capable of enormous expansion. The colony had no neighbour offering higher rates of wages, and more profitable employment of capital; and for many years it was the only British possession to which any considerable emigration was conducted at the public expense. The subsequent foundation of South Australia, and the settlement of Port Phillip, had nothing to do with transportation, except so far as they were among the causes of its abandonment, which the discoveries of gold ultimately rendered inevitable. And in the

twelve years which have elapsed since those discoveries the population, the trade, and the public works of the Australian colonies have increased three times as much as in the previous sixty years.

"But in Western Australia transportation drives out instead of attracting free labourers. Convicts are desired by the colonists, less for their labour in service, than for the imperial expenditure which their employment by the Government occasions, and which must be enormously increased if 1,500 or more persons are to be annually transported and maintained there.

"Meanwhile on the other Australian colonies the effect of transportation cannot but be injurious. That which recommends Australian transportation to the criminal must depreciate Australian emigration in the eyes of the honest labourer. Sooner or later offenders whose sentences have expired will find their way to the settlements where wages are highest, and in most cases join the criminal class already recruited from the old convict establishments of New South Wales and Van Diemen's Land. Further legislation of the exceptional and unconstitutional character of the present 'Convicts Prevention' Acts will thus become necessary. Such antagonism will certainly not tend to encourage the good feeling of the colonists towards the mother country.

"We cannot, for these reasons, recommend any extensive resumption of transportation. But we do not propose its immediate abandonment, to the extent to which it has been conducted on the average of the last ten years. Until the operation of the changes which we have recommended in the length of sentences, and in the mode of carrying them out at home, has been fully tested, we are unwilling that the transportation of offenders sentenced to long periods of penal servitude should be discontinued, and we think that it should be carried into effect at about the same period of the sentence as at present."

Question, "That the words proposed by Mr. Childers be here inserted," put. The Commissioners divided:

Aye 1.	Noes 11.
Mr. Childers.	Earl Grey.
	Lord Naas.
	Lord Cranworth.
	Mr. Bouverie.
	Sir J. Pakington.
	Mr. Walpole.
	Mr. Henley.
	The Chief Justice.
	Mr. Waddington.
	The Recorder.
	The O'Conor Don.

Paragraph 44.

Amendment proposed (Sir *J. Pakington*), to omit the words "as many as possible," in the following passage: "We therefore think that removal to a penal colony should be the ultimate destination of *as many as possible* of the convicts who are fit to be sent out," in order to insert the words "a considerable proportion."

Question, "That the words proposed to be omitted stand part of the report," put. The Commissioners divided:

Ayes 9.	Noes 3.
Earl Grey.	Sir J. Pakington.
Lord Naas.	The O'Conor Don.
Lord Cranworth.	Mr. Childers.
Mr. Bouverie.	
Mr. Walpole.	
Mr. Henley.	
The Chief Justice.	
Mr. Waddington.	
The Recorder.	

Paragraph 45.

Amendment proposed (Sir *J. Pakington*), to omit this paragraph, in order to insert the words following:

"But although the short sentences of penal servitude enacted in 1857 have not worked well, we are of opinion that between a sentence of imprisonment in our county gaols, and penal servitude for seven years, involving exile to a penal colony, there ought to be an intermediate sentence of labour on public works. And we are further of opinion, that the sentences passed by courts of justice ought to express more clearly than they do, the nature of the punishment to be inflicted.

"It may be true for various reasons, that a sentence of transportation would no longer be regarded with the same degree of apprehension it formerly inspired. It may be true that a portion of our convicts would (at first) look forward with feelings of pleasurable, rather than of painful excitement to being removed to another country. But we doubt whether this feeling would exist to any great extent when it came to be understood, that the convict on his arrival in a new country would commence, not a career of freedom, but a fresh period of penal labour and coercion. Be this as it may, there will be a very material difference between the proposed punishments, viz., 1, imprisonment for four or five years, ending in a return to the ties and attractions of home; 2, a long period of labour and punishment here, followed by exile for years, with another period of penal labour in a distant land. We therefore consider it important that judges and prisoners should clearly understand the true scope and character of the sentence pronounced; and we recommend, that the terms to be used for sentences of five years should be 'imprisonment and

labour on public works;' and the terms for sentences of seven years and upwards, 'penal servitude at home and abroad.'

Question, "That the paragraph originally proposed stand part of the "report," put. The Commissioners divided:

Ayes 9.	Noes 3.
Earl Grey.	Sir J. Pakington.
Lord Naas.	The Chief Justice.
Lord Cranworth.	Mr. Childers.
Mr. Bouverie.	
Mr. Walpole.	
Mr. Henley.	
Mr. Waddington.	
The Recorder.	
The O'Conor Don.	

Paragraph 46.

The first part of this paragraph was read as follows:—

46. In the preceding paragraphs we have recommended, in general terms, that sentences of penal servitude should not in future be passed for such short periods as has of late been usual, and that convicts should have the power of earning their discharge with tickets of leave before these sentences expire, being then placed under strict supervision, for the most part in Western Australia, but in some cases at home. If the principle of the above recommendation should be admitted, it would still remain to be determined what ought to be the minimum term for which the sentence of penal servitude should be passed, and what ought to be the proportion of the time for which he is sentenced that a convict ought necessarily to spend under coercion. These are points on which it is difficult to come to any positive judgment, as the determination must to a certain extent be arbitrary. With respect to the length of sentences, we are of opinion that it would be advisable to adopt for penal servitude *the same minimum of seven years, which was formerly in use with respect to transportation. We believe that the practice of not passing sentences of transportation for shorter terms was found to answer, and that it was sound in principle, inasmuch as it drew a broad distinction between those offenders who would be sufficiently punished by simple imprisonment, and those whom it was requisite for the safety of society to subject for a considerable time to control, though not necessarily for the whole of that time to coercion. We see no reason why this principle should be abandoned because sentences of penal servitude have taken the place of those of transportation.*

Amendment proposed (*The Recorder*), to omit all the words after the words "adopt for penal servitude the" to the word "transportation," inclusive, in order to insert the words "minimum of six years."

Question, "That the words proposed to be omitted stand part of the report," put. The Commissioners divided:

Ayes 10.	No 1.
Earl Grey.	The Recorder.
Lord Naas.	
Lord Cranworth.	
Mr. Bouverie.	
Sir J. Pakington.	
Mr. Walpole.	
Mr. Henley.	
Mr. Waddington.	
The O'Conor Don.	
Mr. Childers.	

Monday, 8th June 1863.

Commissioners present:

Earl Grey.	Mr. Henley.
Lord Naas.	Mr. Waddington.
Sir J. Pakington.	The O'Conor Don.
Mr. Walpole.	

Earl Grey in the Chair.

Draft Report further considered.

Paragraph 52.

This paragraph was read as follows:—

52. In some of the public works prisons, acts of violence on the part of convicts against their fellow convicts, or the officers, have been common, and do not appear to have been punished with the necessary promptitude and severity. For assaults of this nature, and also for some other kinds of prison offences, corporal punishment seems to be better adapted than any other. The restrictions in the use of this punishment which have been introduced seem to be injudicious; the infliction of four dozen lashes, and with the severer cat formerly used, ought to be allowed in place of two dozen with a lighter cat, which is the maximum of corporal punishment now permitted. Greater promptitude in the infliction of corporal punishment is also required, since its utility much depends upon its being prompt. At present it cannot be inflicted without the authority of one of the Directors of Convict Prisons, and it is impossible for these officers to visit the distant prisons at Portland and Dartmoor more than about once a month. We *do not* think that it is advisable to give to the governors of these establishments a general power of resorting to corporal punishment; *but the Directors might properly be enabled to leave with the governor conditional orders to inflict it in certain events; as, for instance, when a man has threatened to*

commit any offence, or when a repetition of previous misconduct is apprehended. The legality of such an order, as the law now stands, seems to be doubtful. It is also desirable that a county magistrate should have authority, under a warrant from the Secretary of State, to act in the place of a Director in ordering this punishment for prison offences.

Amendment proposed (Sir *J. Pakington*), to omit the words "do not" before the words "think that it is advisable."

Question, "That the words proposed to be omitted stand part of the report," put. Affirmed without a division.

Paragraph 52.

Another amendment proposed (Mr. *Henley*), to omit all the words after the words "resorting to corporal punishment" to the word "doubtful," inclusive.

Question, "That the words proposed to be omitted stand part of the report" put. Affirmed without a division.

Paragraph 56.

Amendment proposed (Lord *Naas*), to omit all the words after the word "occasioned" to the word "satisfactory," inclusive, in the following passage: "Mr. Evans also informed us that he considered a fair valuation was put on the work done, in the accounts contained in the reports of the Directors of Convict Prisons. A paper in the Appendix, taken from these reports, will show, that according to this valuation the public has received a very considerable return in the work done by convicts for the expense which they have occasioned. *Upon the whole the result of the inquiry may be considered satisfactory,*" in order to insert the words following: "We consider, however, that the valuation placed by the Convict Department on the labour of the prisoners is far too high."

Question, "That the words proposed to be omitted stand part of the report," put. The Commissioners divided:

Ayes 4.	Noes 2.
Earl Grey.	Lord Naas.
Sir J. Pakington.	The O'Conor Don.
Mr. Henley.	
Mr. Waddington.	

Paragraph 65.

The following paragraph, to follow paragraph 64, was proposed by Lord *Naas*.

"A system of labour in association, accompanied with as small an amount of restraint as is necessary to secure discipline and industry, has been tried in the later periods of detention in Ireland with considerable success. Its chief recommendations

are, that the semi-liberty which it offers is a test of improvement, and fits the convict (who has undergone a severe and depressing course of punishment) for re-entry into life, while it affords an additional inducement to good conduct and industry in the earlier stages of imprisonment. In its nature this intermediate system somewhat resembles the mode of treatment adopted towards the road parties in Western Australia. At Lusk 50 men work at every description of agricultural labour in open fields, under the care of five warders. At Smithfield, in Dublin, they work at trades, and one of their number is employed daily in carrying messages through the city. Insubordination in these prisons is unknown, and though they have been established for some years there have only been three attempts at escape. 75 per cent. of convicts released in Ireland have passed through these prisons. We see no reason why a system *which has succeeded so well in Ireland should, if properly administered, fail in England. There are many localities now in the occupation of the convict department where every facility could be afforded for carrying it out. We therefore recommend that it should be established without delay for those convicts who are either ineligible for transportation or whom the colony is unable to receive.* As the condition, however, of the convict in an intermediate prison is one of qualified liberty, it is desirable that a special licence to remain in these establishments should be granted to each prisoner.

Amendment proposed (Earl *Grey*), to omit all the words after the words "why a system" to the word "receive," inclusive, in order to insert the words following: "Which appears to have had considerable success in Ireland, should not at least be tried in England, for those convicts who cannot be removed to Western Australia."

Amendment agreed to without a division.

Question. "That the paragraph proposed by Lord Naas, as amended, be inserted in the report," put. The Commissioners divided:

Ayes 4.	Noes 3.
Earl Grey.	Mr. Walpole.
Lord Naas.	Mr. Henley.
Sir J. Pakington.	Mr. Waddington.
The O'Conor Don.	

Paragraph, as amended, inserted accordingly.

Paragraph 72.

This paragraph was read as follows:—

72. Having thus explained our views as to the regulations under which convicts should be sent to Western Australia, it is proper that we should now state the grounds on which we believe that that colony will be able to receive them with advantage.

On this point we think the evidence we have received, and that contained in the various papers laid before Parliament, is very full and satisfactory. Captain Kennedy, Colonel Henderson, Captain Du Cane an officer of Engineers, who was employed in superintending some of the public works carried on there, and Mr. Sanford, who was selected by the persons interested in Western Australia, now in this country, to give evidence in their behalf to the Commissioners, concurred in stating that the present demand for labour in the colony would now enable it to receive about 1,000 convicts annually, and that this demand is likely progressively to increase, as its resources become more developed, so that larger numbers might be sent in each succeding year. And this statement was supported by the facts to which these witnesses were able to refer. *It was shown that though there may be a smaller proportion of good land in Western Australia than in the other Australian colonies, and though its natural pastures are less favourable to sheep (partly from the prevalence in some districts of a poisonous grass), both agricultural and pastoral industry are making considerable progress. The extent of land cultivated with wheat has greatly increased, good crops of the first quality are obtained, and the quantity now grown very nearly equals the consumption of the inhabitants. The number of sheep and cattle has been also considerably increased, and as a proof of the success with which this important branch of industry has been followed it was mentioned that a settler, who was only a labouring man in* 1850, *had lately sold his year's clip of wool for* 1,000*l. The colonists have also discovered a mode of managing their sheep so as to guard in a great degree against the bad effects of the poisonous grass. The breeding of horses for the Indian market promises to become a profitable business. The soil and climate have been found highly favourable to the vine and the olive, and the cultivation of both has been begun with great success. A good deal of wine has been already produced, and some oil, though hitherto only a small quantity of the latter. The colony also possesses great mineral wealth, rich mines of lead and copper having been found in the northern district, and in the south there are forests of great value. We beg to refer to the account given by Captain Du Cane of the Jarrah timber, which possesses the very valuable quality of resisting the attacks both of the sea-worm and the white ant, which last is so destructive to every other kind of timber both in Australia and in India. It appears that this timber may be obtained in almost unlimited quantities, and shipped at a modreate cost to India, where it is likely to find a market, and to be useful for railway sleepers.* Both the working of the mines, and the shipment of timber have hitherto been greatly checked by the want of capital and labour, but it has been stated to us that the capital required could easily be procured in this country, if there were an assurance that a proper supply of labour would be kept up, by

convicts continuing to be sent to the colony. Enterprise has been greatly discouraged by the uncertainty which has been felt upon this point, and by so few convicts having been sent out during the last five years. We consider it to be of great importance that this uncertainty should be removed, and that the policy, with respect to sending convicts to Western Australia, which Your Majesty's Government and Parliament may determine to pursue should be made distinctly known.

Amendment proposed (Mr. *Henley*), to omit all the word after the word "refer" to the words "railway sleepers," inclusive.

Question, "That the words proposed to be omitted stand part of the report," put. The Commissioners divided:

Ayes 5.	Noes 1.
Earl Grey.	Mr. Henley.
Lord Naas.	
Mr. Walpole.	
Mr. Waddington.	
The O'Conor Don.	

Paragraph 84.

Amendment proposed (Mr. *Henley*), after the words "inquiry we have instituted," in the following passage: "We fear that what we have recommended will be insufficient to render the system for the punishment of female convicts, and for disposing of them when their punishment is at an end, as satisfactory as we should desire; but the inquiry we have instituted does not enable us to suggest any further improvements of importance in the existing arrangements," to insert the words "which has been principally directed to the treatment of male convicts."

Question, "That the words proposed to be added be here inserted," put. The Commissioners divided:

Ayes 3.	Noes 3.
Mr. Henley.	Earl Grey.
Mr. Waddington.	Lord Naas.
The O'Conor Don.	Mr. Walpole.

Monday, 15th June 1863.

Commissioners present:

Earl Grey.	The Lord Chief Justice.
Lord Naas.	Mr. Waddington.
Mr. Bouverie.	The Recorder.
Sir J. Pakington.	The O'Conor Don.
Mr. Walpole.	Mr. Childers.
Mr. Henley.	

Earl Grey in the Chair.

Draft Report as amended at the previous meetings considered.

Paragraph 51.

This paragraph was read as follows:—

51. The system of dividing the convicts in each prison into different classes, kept entirely separate from each other, has been adopted in Ireland. In England, though the convicts have generally separate cells at night, the whole body are paraded together when they go out to work and on other occasions. This is both unfavourable to the best system of discipline, and dangerous in the event of a disturbance, as was shown by the outbreak at Chatham in 1861. It would be desirable that convicts should be divided into bodies not exceeding from two to three hundred each, and that these bodies should be prevented from having any communication with each other. The division of convicts into classes in this manner would afford great advantages for the maintenance of discipline. *One class should consist of all violent and dangerous convicts, who ought to be subjected to severe coercion. Some classes might be made more penal than others in respect to diet, or otherwise; others on the contrary, being more nearly assimilated in discipline to the advanced classes in the public works prison in Ireland.* It is not necessary that these classes should be at different places, provided the buildings and the arrangements for labour were so contrived as effectually to prevent communication between the men in different classes. By having them together, one superior officer could control the whole.

Amendment proposed (The *Recorder*), to omit all the words after the words "maintenance of discipline" to the words "prison in Ireland" inclusive:

Question, "That the words proposed to be omitted stand part of the report" put. The Commissioners divided:

Ayes, 5.	Noes, 4.
Earl Grey.	Mr. Walpole.
Lord Naas.	Mr. Henley.
Mr. Bouverie.	Mr. Waddington.
Sir J. Pakington.	The Recorder.
The O'Conor Don.	

Paragraph 65 (*now omitted*).

The *Recorder* moved that the paragraph relating to Intermediate Prisons, proposed by Lord Naas at the last meeting, and adopted as amended, be omitted from the report.

Question, "That the paragraph proposed by the Recorder to

be omitted stand part of the report" put. The Commissioners divided:

Ayes, 4.	Noes, 5.
Earl Grey.	Mr. Bouverie.
Lord Naas.	Mr. Walpole.
Sir J. Pakington.	Mr. Henley.
The O'Conor Don.	Mr. Waddington.
	The Recorder.

Paragraph struck out accordingly.

Saturday, 20th June 1863.

Commissioners present:

Earl Grey.	Mr. Walpole.
Lord Naas.	Mr. Henley.
Mr. Bouverie.	Mr. Waddington.
Sir J. Pakington.	The O'Conor Don.

Earl Grey in the Chair.

Resolved,—That the Report be signed by the Commissioners who approve of it, but that the Secretary be instructed not to transmit it to the Secretary of State till Saturday, in order that those members of the Commission who dissent from the whole or parts of it, may have an opportunity of placing their views on record.

LIST OF APPENDIX.

No. 1.

PAPERS delivered in by GEORGE EVEREST, Esq.

PAGE

A. Table showing the Number of Convicts annually sentenced to Transportation and Penal Servitude in Great Britain, and the Numbers actually transported to Australia from 1842 to 1862 inclusive - - - - 125

B. Table showing the Sentences to Penal Servitude in Great Britain from 1st July to 31st December 1857, and for each of the Five following Years - 126

C. Returns showing the Number of Persons sentenced to Penal Servitude in Ireland in each Year from the 1st July 1857 to the 31st December 1862, and the Terms of Penal Servitude to which they were sentenced - - 127

D. Return of the Number of Licences issued, and of the Number of Licences revoked between the 2nd October 1853 and 31st December 1862 - - 128

E. Circular of the 27th June 1857, addressed by Secretary Sir George Grey to Judges, Recorders, &c. - - - - - - - 128

F. Returns of the Numbers of Male Persons sentenced to Penal Servitude in England and Scotland in each Year 1857 to 1862 inclusive, who had been previously sentenced either to Penal Servitude or Transportation, showing the Sentence passed upon Re-conviction - - - - - 131

G. Return of the Number of Prisoners released on Tickets of Leave in Great Britain during the last Three Years; of the Number of such Persons who have since their release been convicted of any criminal Offence or Offences; the Nature of their original Offence; and the Offence or Offences for which they have subsequently been convicted. - - - - - 132

H. Names of the Prisoners tried before Mr. Baron Bramwell during the November Sessions 1862 of the Central Criminal Court with their Offence and previous Convictions - - - - - - - - 136

I. Statement with regard to Crime in England and Wales 1858 to 1862 inclusive 137

K. Extract from Judicial Statistics for England and Wales.—Number of Persons committed or bailed for Trial or indicted in the Years 1860, 1861, and 1862, with the Result of the Proceedings - - - - - 138

L. Table showing the Total Number of Persons committed for trial or bailed in each Year from 1857 to 1862 inclusive, and the nature of the offences - 138

No. 2.

A. Memorandum by Major-General Sir Joshua Jebb, K.C.B, as to Transportation, Tickets of Leave, &c., 20th December 1856 - - - - 139

No. 3.

PAPERS delivered in by Major-General SIR JOSHUA JEBB, K. C. B.,

A. Remarks by Sir Joshua Jebb on the Class of Offenders sentenced to Penal Servitude - - - - - - - - - 149

B. Description of the following Statistical Returns - - - - 150

C. Re-conviction of Prisoners. Return of the Number of Male and Female Prisoners in the Convict Prisons and County Borough Prisons respectively, on the 1st of October 1862, shewing the number and per-centage of Prisoners among them who, at any period since January 1854, had been subjected to a Sentence of Transportation or Penal Servitude - - - - 151

D. Receptions and Removals.—Return showing the Reception and Removal of Convicts in the different Convict Prisons from 1st January 1857 to 31st December 1861. - - - - - - - - - 152

E. Male Convicts Revocations of Licence and Re-convictions.—Return of the Number of Male Convicts released under Orders of Licence in each Year, from October 1853 to December 1861, showing the Number returned to the Convict Prisons, either by having their Licence revoked for trifling Offences, or being sentenced to Penal Servitude or Transportation - 153

PAGE

F. Per-centage of Re-convictions.—Return showing the per-centage per annum of Male Licence Holders returned to Convict Prisons under fresh Sentences to Penal Servitude or Transportation during the 8¼ Years the System has been in operation to December 1861 - - - - - 154

G. Nature and Extent of Crimes. Return showing the Nature of the Crimes for which 840 Male Convicts had their Licences only revoked, and the 1,124 who have been re-convicted for fresh Offences out of 10,507 who have been released - - - - - - - 154

H. Return showing the Proportion of Convictions of Male and Female Convicts released on Licence during Eight Years, as compared with the Convictions of Male and Female Prisoners for similar Offences during the same Period - - - - - - - - 155

I. Female Convict Revocations and Re-convictions. Return of the Number of Female Convicts released under Orders of Licence in each Year, from October 1853 to 31st December 1861, showing the Number returned to Convict Prisons either by having their Licence revoked for trifling Offences or being sentenced to Penal Servitude or Transportation - 156

K. Return showing Particulars referring to Female Convicts - - - 157

L. Return of the Number of Female Persons sentenced to Penal Servitude in each Year from 1857 to 1862, inclusive, who had been previously sentenced to Penal Servitude or Transportation, showing the Sentence passed upon Re-conviction - - - - - - - 157

M. Payments of Gratuity.—Return of Information, &c., showing the Result obtained - - - - - - - - - 158

N. Statement of Gratuities paid to Male Convicts released in the Year 1862 - 159

O. Statement of Gratuities paid to Female Convicts released in the Year 1862 - 159

P. Return of the Number of Convicts sentenced under the Act of July 1857, who have been discharged on Licence from the different Convict Prisons, showing those who have obtained the full Period of Remission, those who have forfeited a Portion of their Remission and regained any Portion by subsequent good Conduct, and of those who have forfeited the whole by Misconduct, from the 1st January 1860 to August 1862 - - - 160

Q. Return of Male Convicts discharged from the Convict Prisons in the Years 1857–1862, showing the Numbers discharged on Expiration of Sentence, Tickets of Leave, and by Pardon; and, as to those discharged on Tickets of Leave, how many were so discharged after, at, and before the earliest prescribed Period - - - - - - - - 160

R. Similar Return as to Female Convicts : - - - - 161

No. 3a.

A. Correspondence on the subject of Convict Labour at Portland - - 161

B. Specimen of Returns of Convict Labour, Portland. - - - - 166

C. Letter from Rear-Admiral Hastings (late Superintendent of Clarence Yard and Haslar Hospital) to the Governor of the Convict Prison, Portsmouth, expressing his approval of the work done by convicts - - - 170

No. 3b.

A. Explanation as to Gratuities due to Convicts at Chatham at the time of the outbreak there - - - - - - - - 170

B. Answers by Sir Joshua Jebb to Questions as to Corporal Punishment and Acts of Violence by Convicts - - - - - - 171

C. Abstract of Returns of Cases of Violence by Convicts. - - - 175

D. Letter from Sir Joshua Jebb as to an increase in the Staff, &c. - - 175

No. 4.

PAPERS delivered in by Captain POWELL.

A. Chatham Prison.—Scale of ordinary Diet - - - - - 177

B. Memorandum to be given to a Prisoner on Discharge in case any Balance of Gratuity may be due to him - - - - - - - 178

C. Chatham Prison.—Return showing the Number of final Balances of Gratuities, &c. due to Convicts in the Year 1861 and 1862; also the Number paid to Prisoners' Aid Societies; the Number paid to Convicts at each of the authorized periods, viz., 2 Months, 3 Months, and 5 Months from Release, and the Number remaining unpaid (with the Cause) at the close of each Year - - - - - - - - 178

No. 5.

PAPERS delivered in by Sir RICHARD MAYNE, K.C.B.

Metropolitan Police.

PAGE

A. Extract from the Metropolitan Police Returns for 1862.—Comparative Statements from the Year 1831 to 1862 inclusive - - - - 179
B. A comparative Statement of Cases of Robbery from the Person with Violence and Burglary; showing the Number of Persons apprehended, and Amount of Property stolen, from the 1st July to 31st December inclusive, during the Years 1860, 1861, and 1862 - - - - - - 180
C. A comparative Statement of Cases of Robbery from the Person with Violence and Burglary; showing the Number of Persons apprehended, and Amount of Property stolen, from the 1st January to 30th June inclusive, during the Years 1860, 1861, and 1862 - - - - - 181
D. Summary of Superintendent's Returns of all Persons apprehended for Burglary with Intent *only* to steal, during the Years 1860, 1861 and 1862 -
E. Extract from the Return for 1862 of the Number of Persons taken into Custody by the Metropolitan Police; Return of the Number of Persons recognized as having been in Custody more than once for Felony during the last Eight Years - - - - - - - - 182
F. Extract as to reputed Thieves and suspicious Characters from criminal Returns for the Years ending 31st December 1860, 1861 and 1862 - 183
G. Summary of Superintendent's Returns of all Persons apprehended for loitering with Intent to commit Felony during the Years 1860, 1861 and 1862 - - - - - - - - - 183
H. Return of the Number of Convicts on Ticket of Leave who received Gratuities from 1857 to 31st December 1862, inclusive, showing the Amount of Gratuities paid - - - - - - - - 184
I. Return of the Number of Convicts on Tickets of Leave who were not paid Gratuities since February 1857 to 23rd February 1863 - - - 184
K. Summary of Superintendent's Returns of Individuals on Tickets of Leave who have been paid Gratuities through the Police during the Year 1862 - 185
L. Return of the number of Licence-holders, whose cases have been submitted to the Home Office during the year 1862, specifying the Offence, &c. on which the Report is made; also the result of such communication - - 186
M. Return of the number of Convicts, whose Sentences have expired, again apprehended by the police, and whose cases have been submitted to the Home Office during the year 1862. - - - - - 187
N. A comparative Statement of Cases of Robbery with Violence and Burglary; showing Number of Persons apprehended, and Amount of Property stolen, from 1st to 31st January 1861, 1862, and 1863 - - - - 188

No. 5a.

RETURN of OFFENCES affecting PROPERTY in the CITY of LONDON for the Years 1860, 1861, and 1862 - - - - - 189

No. 6.

PAPERS delivered in by SIDNEY GURNEY, Esq.

Western Circuit.

A. Table, showing the comparative lengths of Sentences for Robbery, Burglary, Forgery, and Larceny after former Convictions, in the Periods 1838–1842 and 1858–1862 - - - - - - 189
B. Table showing the Number of Convictions for Offences for which Penal Servitude might have been but was not inflicted during the last Five Years - 189

No. 6a.

PAPER delivered in by HENRY AVORY, Esq.

Central Criminal Court.

Table similar to No. 6 A. - - - - - - - - 190

No. 7.

Papers delivered in by Capt. DONATUS O'BRIEN.

A. Table showing the Number of Months Confinement in Separation, since Conviction, in Millbank and other Prisons, of 647 Convicts removed to Chatham, Portsmouth, and Portland Prisons in 1862; excluding Penal Class and Blue-dress Prisoners - - - - - - - 190

PAGE

B. Male Prisoners at Millbank. Daily Routine and Diet - - - 191
C. Millbank Prison: Scale of Works to be performed by Male Convicts entitling them to receive Gratuities, after a Badge has been won by good Conduct - 191
D. Statement of Garments, &c., made in the Manufacturing Department of Millbank Prison during the Year 1862, by Male Convicts - - - 192
E. Female Prisoners at Millbank.—Daily Routine and Diet - - - 194
F. Female Prisoners.—Scale of Work on which Gratuities are paid. - - 194
G. Brixton Prison.—Memorandum of the Gratuities that have been paid to Female Convicts, on Discharge, during the year 1862 - - - 194
H. Female Prisoners, Brixton.—Daily Routine and Diet - - - 195

No. 8.

PAPER delivered in by R. F. NEWLAND, Esq.

Population of South Australia - - - - - - - 196

No. 9.

PAPERS delivered in by Sir WALTER CROFTON, K.C.B.

Notice to Male Convicts - - - - - - - 197

No. 9a.

EXTRACT from the REPORT of the BOARD OF SUPERINTENDENCE of the CITY of DUBLIN PRISONS - - - - - 198

No. 10.

PAPER delivered in by Capt. J. S. WHITTY.

*Ireland.**

A. Number of Persons committed or bailed for Trial at Assizes and Quarter Sessions in 1862 - - - - - - - - - 199
B. Return of the Number of Persons sentenced to Penal Servitude in Ireland in each Year from July 1st 1857 to December 31st 1862 inclusive who had been formerly sentenced either to Penal Servitude or Transportation, showing the Sentences passed on Re-conviction - - - - 200
C. Return showing the Number of Male Convicts released on Licence from Smithfield and Lusk Prisons during the Years of 1851–61, and their disposal on Discharge from Prison. - - - - - 201
D. Return showing the Number of Male Convicts released on Licence from Spike Island and Phillipstown Prisons during the Years 1856–61, and their disposal on Discharge from Prison. *See* further App. No. 12 C. and D. - 201
E. Abstract of Returns C and D. - - - - - - 202
F. Supplemental Return for 1862, in continuation of Returns C and D. - 202
G. Return of the Number of Male Convicts released under Orders of Licence in each Year from 1856 to 1861 inclusive, showing the Number returned to the Convict Prisons, either by having had their Licence revoked for trifling Offences or being sentenced to Penal Servitude or Transportation - - 203
H. Supplemental Return for 1862, in continuation of Return G. - - 203
I. Return of the Number of Female Convicts, &c. (similar to Return G.) - 204
K. Supplemental Return for 1862, in continuation of Return I. - - 204
L. Return showing the Number of Female Convicts received on Licences at the Refuges during the Years 1856–1861; and the Number who went abroad in each Year before Expiration of Sentence (of those received within the Year referred to) - - - - - - - 205
M. Supplemental Return for 1862, in continuation of Return L. - - - 205
N. Return of the Number of Convicts sentenced under the Penal Servitude Act of July 1857 who have been discharged up to the 1st October 1862; showing those who have obtained the full Period of Remission, those who have forfeited a Portion of their Remission, and those who have regained any Portion of their Forfeiture by subsequent good Conduct - - 206
O. Supplemental Return to 31st December 1862, in continuation of Return N. - 207
P. Return of the Number of Convicts now in the Irish Convict Prisons who at any former Period have been subjected to a Sentence of Transportation or Penal Servitude, stating whether discharged from the Intermediate Prisons, and Female Refuges, or from the Ordinary Prisons - - - 208

* See other Irish Returns App. No. 1 C. and App. Nos. 11 and 12.

PAGE

Q. Return of the Number of Prisoners now under Sentence in the Irish County or City Gaols who at any former Period have been subjected to a Sentence of Transportation or Penal Servitude, stating whether discharged from the Intermediate Prisons and Female Refuges, or from the Ordinary Prisons, on the 1st October 1862 - - - - - - 208

R. Return showing the Total Number of Convicts discharged from the Convict Prisons in the Six Years from 1856 to 1861, inclusive, on Licence, or otherwise; and the Number of the above who have returned in any way to the Convict Prisons within the above Period, distinguishing those of the latter who had been discharged from Intermediate Prisons or Female Refuges - - - - - - - - - - 209

S. T. U. V. Tables showing the Expenditure of the Irish Convict Prisons under each Head of Service in the Years 1859–60, 1860–61, 1861–62, and the First Nine Months of 1862–63 - - - - - 210 to 217

W. Memorandum as to the Steps taken for the Identification of discharged Convicts - - - - - - - - - - 218

X. Memorandum explanatory of the Practice of Supervision of Discharged Convicts in Ireland - - - - - - - 220

Y. Extracts from the Reports on Convicts discharged on Licence, made fortnightly by the Lecturer of Smithfield Prison to the Directors - - 226

Z. Memorandum relative to the Female Refuges in Connexion with Mountjoy Female Convict Prison. - - - - - - - 227

AA. Table showing the largest Amount of Gratuity attainable by a Convict under Sentence of Four Years Penal Servitude in England and in Ireland - 229

No. 11.

PAPERS delivered in by CAPT. WHITTY.

A. Return of the Number of Males sentenced to Penal Servitude in Ireland in 1862, who had been previously sentenced either to Penal Servitude or Transportation classified according to their present Crimes and Sentences - 230

B. Return of the Number of Females sentenced to Penal Servitude in Ireland in 1862 who had been previously sentenced either to Penal Servitude or Transportation, classified according to their present Crimes and Sentences - 230

No. 12.

PAPERS delivered in by Capt. WHITTY.

A. Return of the Number of Males sentenced to Penal Servitude in Ireland in the Years 1861 and 1862, who had been previously sentenced either to Penal Servitude or Transportation, showing the Sentences passed upon the Re-conviction, and the class of Prison from which these men had been discharged, whether Intermediate or Ordinary - - - - 231

B. Return of the Number of Females sentenced to Penal Servitude in Ireland in the Year1 861 and 1862, who had been previously sentenced either to Penal Servitude or Transportation, showing the Sentences passed upon the Re-conviction, and how many had been discharged through Refuges - 232

C. Return showing the Number of Male Convicts released on Licence from the Intermediate Prisons at Forts Camden and Carlisle during each of the last Six Years, and their disposal on Discharge from Prison - - - 232

D. Return showing the Number of Male Convicts released on Licence from Spike Island and Phillipstown Prisons (not including the Intermediate Prisons at Forts Camden and Carlisle) during each of the last Six Years, and their Disposal on Discharge from Prison - - - - - 233

No. 12a.

PAPER delivered in by J. P. ORGAN, Esq.

Reports of the Lecturer of the Intermediate Prisons in Ireland as to the Men under his superintendence in February 1863. - - - - 234

No. 12b.

Letter from Miss Kirwan as to the Refuges for Female Convicts in Ireland - 240

No. 13.

PAPERS delivered in by JOHN SMITH, Esq., Governor of the Prison at Edinburgh.

PAGE

A. List of returned Convicts committed to the Prison at Edinburgh during the Year ending 31st December 1862 - - - - - 242
B. List of returned Convicts committed to the Prison of Edinburgh in the year 1862 who had been liberated from Penal Servitude or Transportation, and were re-committed to Prison before the Expiration of their Sentences - 246

No. 14.

PAPERS delivered in by Mr. JOHN WEATHERHEAD, Governor of the City Prison, Holloway.

A. City Prison, Holloway.—Dietary - - - - - - 247
B. Scale of One Week's Provision in the Government Prison at Chatham and in the City Prison, Holloway. - - - - - - 249

No. 15.

PAPER delivered in by G. W. B. RANKEN, Esq.

Form of Recommendation of a Prisoner to the Discharged Prisoners' Aid Society, - - - - - - - - - - 250

No. 16.

Letters from the Governor of Gloucester Prison and Statements of Prisoners as to their motives for committing the Crime of Arson - - - 250

No. 17.

Table showing the Number of Discharged Convicts known to the Police to have been residing in the several Counties of England and Wales in February 1863 - - - - - - - - - 253

No. 18.

Correspondence and Memorandum as to Tickets of Leave and Conditional Pardons in Western Australia - - - - - - 260

No. 19.

Report as to Jarrah Wood from Western Australia - - - - 264

No. 20.

Report of M. Treite, Counsel to Her Majesty's Embassy at Paris, on the Supervision of Discharged Convicts in France - - - - - 265

No. 21.

Letter from T. Harries, Esq., on the Diet of Convicts, with Tables - - 271

No. 22.

List of Offences for which the maximum punishment under the Criminal Law Consolidation Acts of 1861 is 3 years Penal Servitude, shewing the maximum punishment previously - - - - - - 280

APPENDIX.

APPENDIX No. 1.

PAPERS delivered in by GEORGE EVEREST, Esq.

A.

NUMBER of CONVICTS ANNUALLY SENTENCED to TRANSPORTATION and PENAL SERVITUDE in Great Britain, and the NUMBERS actually TRANSPORTED to Australia from 1842 to 1862 inclusive.

Year.	Sentenced to Transportation.	Sentenced to Penal Servitude.	Total.	Transported to Australia.
1842	4,481	- - -	4,481	4,166
1843	4,448	- - -	4,448	2,993
1844	3,651	- - -	3,651	3,279
1845	3,247	- - -	3,247	2,542
1846	3,157	- - -	3,157	1,708
1847	3,262	- - -	3,262	1,222
1848	3,600	- - -	3,600	1,897
1849	3,202	- - -	3,202	1,609
1850	3,173	- - -	3,173	2,465
1851	3,338	- - -	3,338	2,440
1852	2,896	- - -	2,896	2,541
1853	2,086	623	2,709	600
1854	360	2,382	2,742	280
1855	375	2,215	2,590	485
1856	345	2,370	2,715	498
1857	138	2,703	2,841	532
1858	- - -	2,419	2,419	550
1859	- - -	2,383	2,383	224
1860	- - -	2,436	2,436	296
1861	- - -	2,678	2,678	306
1862	- - -	3,369	3,369	782
Totals -	41,759	23,578	65,337	31,415

B.

SENTENCES to PENAL SERVITUDE in Great Britain from 1st July to 31st December, 1857, and for each of the five following years.

ENGLAND.

	Life.	Above 15 Years.	15 Years and above 10 Years	10 Years and above 6 Years.	6 Years and above 4 Years.	4 Years.	3 Years.	Total.
1857	14	22	61	231	203	446	231	1,208
1858	17	18	31	330	372	867	495	2,130
1859	17	21	51	322	398	777	584	2,170
1860	21	16	32	302	417	767	664	2,219
1861	16	14	62	385	491	777	705	2,450
1862	25	37	83	50 6	590	768	1,145	3,154
						Total - - -		13,331

SCOTLAND.

1857	1	2	4	20	21	63	19	130
1858	4	13	10	59	53	123	27	289
1859	1	2	9	59	37	83	22	213
1860	1	2	10	63	28	92	21	217
1861	4	3	8	57	40	97	19	228
62	2	- -	2	56	44	71	40	215*
						Total for Scotland - - -		1,292
						Total for England - - -		13,331
								14,623

* It appears by a later return that this number should be 224.

C.

IRELAND.

RETURN showing the NUMBER of PERSONS sentenced to PENAL SERVITUDE in IRELAND in each Year, from the 1st July 1857 to the 31st December 1862, and the TERMS of PENAL SERVITUDE to which they were sentenced.

Terms of Penal Servitude.	1857. (From July 1 to December 31 inclusive.			1858.			1859.			1860.			1861.			1862.*			Gross Total sentenced from July 1, 1857, to December 31, 1862, inclusive.		
	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.
3 Years -	32	29	61	78	45	123	63	46	109	61	57	118	54	39	93	143	64	207	431	280	711
4 Years -	56	32	88	107	44	151	89	46	135	73	43	116	88	42	130	95	36	131	508	243	751
5 Years -	2	–	2	2	1	3	6	1	7	4	1	5	19	22	41	60	41	101	93	66	159
6 Years -	6	3	7	6	2	8	9	3	12	15	4	19	18	2	20	18	2	20	72	14	86
7 Years -	8	–	11	22	15	37	27	5	32	36	11	47	40	15	55	32	6	38	165	55	220
8 Years -	1	–	1	4	–	4	–	–	–	3	–	3	3	3	6	2	1	3	13	4	17
9 Years -	–	–	–	–	–	–	–	–	–	2	–	2	–	–	–	–	–	–	2	–	2
10 Years -	20	–	20	23	1	24	20	3	23	10	4	14	12	1	13	41	7	48	126	16	142
14 Years -	–	–	–	–	–	–	–	–	–	2	–	2	3	–	3	17	3	20	22	3	25
15 Years -	3	–	3	3	–	3	1	–	1	–	–	–	1	–	1	2	2	4	10	2	12
20 Years -	–	–	–	–	–	–	–	–	–	–	–	–	4	–	4	–	–	–	4	–	4
Life - -	8	–	8	5	–	5	3	–	3	5	–	5	2	–	2	5	–	5	28	–	28
Totals -	136	65	201	250	108	358	218	104	322	211	120	331	244	124	368	415	162	577†	1,474	683	2,157

* The numbers given for 1862 are an approximation, as the Returns for the present Hilary Session will not be furnished to this office until the close of the sessions, and will include such convicts as were sentenced towards the end of December 1862. A Supplementary Return of the correct numbers for this column will be furnished when they can be ascertained. (See next return.)

SUPPLEMENTARY RETURN showing the NUMBER of PERSONS sentenced to PENAL SERVITUDE in IRELAND in the Year 1862, and the Terms of Penal Servitude to which they were sentenced.
(Referring to note at foot of former Return.)

Terms of Penal Servitude.	Males.	Females.	Totals.
3 years	144	67	211
4 „	98	38	136
5 „	65	40	105
6 „	15	2	17
7 „	31	6	37
8 „	2	1	3
10 „	44	8	52
14 „	19	3	22
15 „	2	2	4
Life	5	—	5
Total	425	167	592

(Signed) J. T. WHITTY, Director.

D.

RETURN of the NUMBER of LICENCES ISSUED, and of the NUMBER of LICENCES REVOKED, between the 2d October 1853 and 31st December 1862.

Year.	Licences issued.	Licences revoked.
1853	495	2
1854	1,822	20
1855	2,659	128
1856	2,289	311
1857	739	239
1858	345	125
1859	304	50
1860	1,048	29
1861	2,069	22
1862	2,297	65
	14,067	991

E.

CIRCULAR addressed to all JUDGES, RECORDERS, &c.

SIR, Whitehall, June 27, 1857.

I HAVE the honour to transmit to you the copy of an Act which received the Royal Assent on the 26th instant, and which will come into operation on the 1st day of July, entitled "An Act to amend the Act of the 16th and 17th "years of Her Majesty, to substitute, in certain cases, other punishment in "lieu of Transportation."

The following are the principal alterations in the law made by this Act :—

1st. It extends the provisions of the Act above mentioned of the 16th and 17th years of Her Majesty, by substituting in all cases the sentence of penal servitude for the sentence of transportation.

2dly. It extends the terms of penal servitude so as to make them correspond in duration with the terms of transportation to which convicts might formerly have been sentenced.

3dly, It gives a power to pass sentences of penal servitude of a shorter duration than the former minimum term of transportation, but of not less than three years.

4thly. It attaches to the sentence of penal servitude the liability of the convict to be removed while under sentence from this country to a colony, there to be dealt with in all respects as if he had been sentenced to transportation.

The second and third of these alterations have been made in accordance with the recommendation of a Committee of the House of Commons, appointed, in 1856, to inquire into the provisions and operation of the Act 16th and 17th Vict., cap. 99.

The last and the most important of them will enable the Government to avail itself, to the fullest extent, of facilities which may from time to time exist for removing to a penal settlement abroad convicts sentenced to penal servitude. But although the sentence of penal servitude will hereafter subject the convict to the liability to removal under such sentence to a penal colony, the number of convicts who can be thus dealt with must depend on the facilities existing at any given period for their employment and absorption in a colony, and on the willingness of the colonists to receive them. For this reason, and for the additional reason that those only can be sent to a colony who, from age, physical strength, and other circumstances, are fitted for the employment which can be there found for them, it is impossible to determine, at the time when the sentence is passed, whether a prisoner sentenced to penal servitude can be removed by virtue of such sentence to a colony.

As a considerable discretion has therefore been left in the hands of the Executive Government as to the manner in which such sentences are to be carried into effect, I feel it right to inform you of the general rules which it is proposed to adopt with regard to prisoners on whom the sentence of penal servitude will hereafter be passed.

In the earlier stages of their sentence, all convicts under sentence of penal servitude will, as a general rule, be dealt with alike. They will be subjected to separate imprisonment for a period of eight or nine months, after which they will be removed to one of the penal establishments created under 5 Geo. IV., cap. 84, there to be employed in hard labour upon public works. From among the prisoners so employed a certain number will be selected, from time to time, for removal to a penal colony; such selection being made, as far as possible, from among those whose sentences are for terms of not less than seven years.

The Committee of the House of Commons, in recommending the extension of terms of penal servitude to a duration corresponding with former sentences of transportation, expressed an opinion that every punishment by penal servitude should, besides a fixed period of imprisonment or hard labour on public works, include a further period capable of being abridged by the good conduct of the convict himself. In accordance with this recommendation, which appeared to meet with the approval of Parliament, it is proposed that, while a certain fixed term of the sentence shall in all cases be inflicted, a remission of the remaining portion of it shall be granted to those convicts whose conduct in prison is such as not to deprive them of this indulgence. In carrying this into effect, it will be necessary to make a distinction between those who are removed to a penal colony and those who are retained in this country. In the case of the former, it is proposed that the period of imprisonment and hard labour upon public works here shall be considerably shorter than in the case of the latter. They will be removed to a colony after having undergone about one-half of their original sentence, and they will become eligible by good conduct, shortly after their arrival, to a ticket of leave, followed, after a certain interval, if their conduct continues to be good, by a conditional pardon. Those who are retained in this country will be required to undergo a longer term of imprisonment and hard labour upon public works, varying, according to the terms of the original sentence, from five-sixths to two-thirds of such sentence.

I subjoin a Table, showing the proportion of the sentence to which it is proposed that in each case the remission should be limited. It will at the same time be clearly understood that the prisoner will be liable to undergo the whole of his sentence, and that the proposed remission will not be granted unless the general conduct of the prisoner while under sentence renders him a fit subject for such indulgence.

As an illustration of the manner in which this rule will operate, the case may be taken of a man sentenced to 10 years penal servitude. If removed to a colony, he will be so removed after undergoing about five years of his sentence in this country, when he may entitle himself at an early period to the qualified liberty of a ticket of leave, and subsequently to a conditional pardon; while, if retained in this country, he will be required to undergo at least seven years and six months, or three-fourths of his sentence, in imprisonment with hard labour on public works.

The case of sentences for life requires to be dealt with separately. They will have to be considered according to the special circumstances of each case. Some convicts on whom a life-sentence is passed have been guilty of crimes of such an aggravated character as to exempt them from the operation of ordinary rules, and it may be necessary to retain them under restraint during the whole of their sentence. When, however, circumstances may justify the application to them of the same rules which are applied to other convicts, it is proposed that in the event of their removal to a colony, such removal shall not take place until after they have undergone at least eight years of imprisonment and labour upon public works in this country; and that if not removed to a colony they shall obtain no remission until after they have undergone at least 12 years of their sentence.

Although there may be cases in which it will be expedient, in the exercise of the power created by section 9 of 16 & 17 Vict., c. 99, to qualify the remission of a portion of the sentence by the grant of a licence to be at large in the United Kingdom, or any part thereof, revocable at Her Majesty's pleasure, it is not intended, generally, to exercise this power in the case of the remission of a portion of the sentence to which I have referred.

In stating the course which it is proposed to adopt in ordinary cases in giving effect to sentences of penal servitude, I have thought it unnecessary to advert to those exceptional cases which must from time to time occur, in which special circumstances may justify the exercise of the Royal prerogative of mercy.

As there is not at this moment any colony open to the reception of female convicts, the course which I have indicated as to the removal to a colony of convicts under sentence of penal servitude is for the present, at least, applicable only to male convicts.

I have the honour to be, &c.
G. Grey.

Sentence, Penal Servitude.	Proportion to be undergone.	Proportion which may be remitted in case of good conduct.
3 years - -	Five-sixths, = 2 years 6 months -	One-sixth
4 „ - -	Four-fifths, = 3 „ 3 „ -	One-fifth
5 „ - -	Ditto, = 4 „ -	Ditto
6 „ - -	Three-fourths = 4 „ 6 „ -	One-fourth
7 „ - -	Ditto, = 5 „ 3 „ -	Ditto
8 „ - -	Ditto, = 6 „ -	Ditto
10 „ - -	Ditto, = 7 „ 6 „ -	Ditto
12 „ - -	Ditto, = 9 „ -	Ditto
15 years and upwards	Two-thirds - - - -	One-third

F.

RETURN of the NUMBER of MALE PERSONS sentenced to PENAL SERVITUDE in each year, 1857 to 1862, inclusive, who had been previously sentenced either to Penal Servitude or Transportation, showing the Sentence passed upon Re-conviction.

ENGLAND.

Years	Sentences passed on Re-conviction.																Number of Convicts Sentenced in each Year who had been previously Sentenced to Penal Servitude or Transportation.	Number of Convicts received in the different Convict Prisons under fresh Sentences.	Percentage of the 2,568 Convicts who have been Re-convicted upon the 14,544 Convicts received under fresh Sentences.
Year.	The Number of Male Persons Sentenced as above, from the Year 1857 to 1862, inclusive.																		
	3	4	5	6	7	8	9	10	12	13	14	15	18	20	21	25	Life			
1857	4	89	15	93	24	18	1	47	3	1	16	20	–	10	6	1	13	361	2,748	13·4
1858	19	55	13	66	38	28	–	58	2	–	5	13	1	5	2	–	4	309	2,291	13·0
1859	17	58	23	57	37	41	2	40	4	–	5	13	–	8	1	–	3	309	2,119	14·5
1860	12	83	34	93	48	40	–	70	–	–	4	10	–	4	1	–	10	409	2,154	18·9
1861	44	104	49	133	80	39	–	86	7	–	6	12	–	2	1	–	6	569	2,344	25·2
1862	61	99	65	112	67	47	–	113	6	–	11	17	–	7	–	–	6	611	2,888	21·1
	157	488	199	554	294	213	3	414	22	1	47	85	1	36	11	1	42	2,568	14,544	17·6

SCOTLAND.

Years	Sentences passed on Re-conviction.											Number of Convicts sentenced in each Year who had been previously sentenced to Penal Servitude or Transportation.
Year.	The Number of Male Persons sentenced as above from the Year 1857 to 1862, inclusive.											
	3	4	5	6	7	8	10	12	14	15	21	Life.	
1857	—	2	3	7	2	1	6	—	4	8	3	—	36
1858	—	—	—	8	3	7	13	—	1	6	1	—	39
1859	—	1	1	7	7	10	6	1	1	3	1	—	39
1860	—	2	2	3	—	12	7	—	4	2	—	—	32
1861	—	1	—	11	1	20	14	1	—	4	—	1	53
1862	1	—	—	13	2	18	4	—	—	1	—	—	39
	1	6	6	49	15	69	50	2	10	24	5	1	238

J. JEBB, Chairman.

G.

RETURN of the NUMBER of PRISONERS released on TICKET OF LEAVE in GREAT BRITAIN during the last Three Years; of the Number of such Persons who whilst holding Tickets of Leave have been convicted of any Criminal Offence or Offences, the Nature of their original Offence and the Offence or Offences for which they have subsequently been convicted.

1860.

Number of Convicts released on licence - - - 1,048.
Number of Licence holders re-convicted - - - 109.*
* Of these 32 were released in 1860.

Original Offence.	Number of Convicts.	Subsequent Offence.	Number of Convicts.	Total.
Arson	5	Housebreaking	1	
		Larceny	3	
		Vagrancy	1	5
Assault	2	Cutting, &c.	1	
		Housebreaking	1	2
Burglary	16	Assault to rob	1	
		Bigamy	1	
		Burglary	3	
		Housebreaking	1	
		Larceny	6	
		Receiving Stolen Goods	1	
		Robbery	1	
		Vagrancy	2	16
Child Stealing	1	Vagrancy	1	1
Cutting and Wounding	2	Assault	2	2
Fowl Stealing	1	Assault	1	1
Fraud	2	Fraud	2	2
Horse-stealing	6	Cattle-stealing	1	
		Horse-stealing	1	
		Larceny	3	
		Uttering forged notes	1	6
Housebreaking	8	Housebreaking	2	
		Larceny	3	
		Vagrancy	3	8
Larceny	53	Assault	4	
		Burglary	4	
		Desertion from the Army	1	
		Housebreaking	1	
		Larceny	35	
		Receiving stolen goods	2	
		Robbery	2	
		Shopbreaking	1	
		Vagrancy	3	53
Receiving stolen goods	3	Disorderly conduct	1	
		Larceny	2	3
Robbery	7	Assault	2	
		Housebreaking	1	
		Larceny	4	7
Sheepstealing	1	Larceny	1	1
Shooting to do grievous bodily harm	1	Sending threatening letters	1	1
Uttering base coin	1	Fraud	1	1
Totals	109		109	102

1861.

Number of Convicts released on licence - - - 2,069.
Number of Licence holders re-convicted - - - 183.*
*141 of these released in 1860 and 1861.

Original Offence.	Number of Convicts.	Subsequent Offence.	Number of Convicts.	Total.
Arson	2	Arson	1	
		Vagrancy	1	2
Assault	1	Assault	1	1
Assault to rob	3	Assault	2	
		Larceny	1	3
Burglary	13	Burglary	3	
		Housebreaking	3	
		Larceny	5	
		Vagrancy	1	
		Wounding, &c.	1	13
Cattle-stealing	1	Larceny	1	1
Coining	2	Having moulds for coining	1	
		Uttering base coin	1	2
Cutting, &c.	1	Poaching	1	1
Desertion from the Army	2	Horse-stealing	1	
		Vagrancy	1	2
Forgery	1	Larceny	1	1
Fowlstealing	1	Fraud	1	1
Fraud	4	Fraud	3	
		Larceny	1	4
Horse-stealing	5	Fraud	1	
		Larceny	2	
		Receiving stolen goods	1	
		Uttering forged note	1	5
Housebreaking	22	Burglary	2	
		Housebreaking	8	
		Larceny	7	
		Robbery	1	
		Shopbreaking	1	
		Vagrancy	3	22
Larceny	102	Assault	1	
		Burglary	3	
		Forgery	1	
		Fraud	1	
		Horse-stealing	1	
		Housebreaking	8	
		Keeping a brothel	1	
		Larceny	68	
		Non-payment of arrears in bastardy	1	
		Poaching	1	
		Possessing base coin	1	
		Robbery	2	
		Stealing post-office letter	1	
		Uttering base coin	2	
		Vagrancy	9	
		Want of sureties	1	102

Original Offence.	Number of Convicts.	Subsequent Offence.	Number of Convicts.	Total.
Night-poaching	1	Night poaching	1	1
Rape	1	Rape	1	1
Receiving stolen goods	3	Larceny	1	
		Manslaughter	1	
		Receiving stolen goods	1	3
Robbery	14	Assault	1	
		Cutting, &c.	1	
		Hawking without licence	1	
		Larceny	5	
		Robbery	2	
		Sacrilege	1	
		Vagrancy	3	14
Sheepstealing	1	Larceny	1	1
Shooting, &c.	1	Housebreaking	1	1
Striking superior officer	1	Unlawful possession of goods	1	1
Uttering base coin	1	Burglary	1	1
Total	183			183

1862.

Number of Convicts released on Licence - - - 2,297.
Number of Licence holders re-convicted - - - 285.*
* 253 of these released in 1860, 61, and 62.

Original Offence.	Number of Convicts.	Subsequent Offence.	Number of Convicts.	Total.
Abetting in murder and plunder	1	Poaching	1	1
Arson	1	Larceny	1	1
Assault to rob	1	Assault	1	1
Burglary	23	Burglary	5	
		Housebreaking	1	
		Larceny	9	
		Receiving stolen goods	2	
		Robbery	1	
		Sacrilege	1	
		Sheepstealing	1	
		Uttering base coin	1	
		Vagrancy	2	23
Cattle-stealing	1	Robbery	1	1
Coining	3	Coining	1	
		Possessing base coin	1	
		Uttering base coin	1	3
Cutting, &c.	2	Cutting, &c.	1	
		Poaching	1	2

Original Offence.	Number of Convicts.	Subsequent Offence.	Number of Convicts.	Total.
Desertion	2	Illegal possession of goods	1	
		Larceny	1	
				2
Forgery	2	Larceny	2	
				2
Fraud	5	Assault	1	
		Fraud	2	
		Larceny	1	
		Receiving stolen goods	1	
				5
Horsestealing	3	Horsestealing	3	
				3
Housebreaking	32	Assault	2	
		Burglary	4	
		Housebreaking	7	
		Larceny	10	
		Receiving stolen goods	2	
		Uttering base coin	1	
		Vagrancy	6	
				32
Larceny	165	Assault	10	
		Do. to rob	1	
		Burglary	4	
		Forgery	1	
		Housebreaking	8	
		Larceny	105	
		Poaching	1	
		Receiving stolen goods	2	
		Robbery	5	
		Uttering base coin	1	
		Vagrancy	26	
		Wounding	1	
				165
Possessing housebreaking implements	1	Burglary	1	
				1
Receiving stolen goods	7	Housebreaking	3	
		Larceny	4	
				7
Robbery	23	Assault	3	
		Do. to rob	1	
		Housebreaking	2	
		Keeping a brothel	1	
		Larceny	10	
		Robbery	2	
		Vagrancy	4	
				23
Sheepstealing	3	Housebreaking	1	
		Larceny	1	
		Sheepstealing	1	
				3
Uttering base coin	6	Larceny	1	
		Uttering base coin	5	
				6
Uttering forged notes	3	Assault	1	
		Possessing base coin	1	
		Uttering base coin	1	
				3
Uttering forged order	1	Receiving stolen goods	1	
				1
Total	285*			285

* In addition to these, there are 14 other licence holders whose committal to prison has been reported, but the result of whose trials is not yet known.

Home Office, 5th February 1863.

II.

NAMES of the PRISONERS tried before Mr. BARON BRAMWELL, during the NOVEMBER SESSION, 1862, of the CENTRAL CRIMINAL COURT, with their OFFENCE, and previous CONVICTIONS.

Name.	Age.	Offence.	Sentence.	Previous Convictions.
G. R.	33	Robbery with violence, having been before convicted of felony.	20 years	Convicted, Central Criminal August 1858, 4 years (E. J.); 3 months House of Correction, Marlborough - street Police Court, July 1862.
S. A.	27	Ditto	Life	Convicted, Westminster, 3 years (after a previous conviction), September 1859 (J. A.); 3 months House of Correction, Marlborough - street Police Court, July 1862; and several summary convictions.
J. R.	22	Assault, together with others, to rob.	10 years	
J. M.	31	Assault, together with another, to rob, having been before convicted of felony.	20 years	Convicted, Westminster, 1 year February 1856 (G. M.); convicted, Central Criminal Court, November 1857, 6 years, as J. M.
J. A.	30	Assault, together with another, to rob.	10 years	3 months House of Correction, Bow-street Police Court, February 1862.
C. J.	18	Robbery, together with others.	4 years	3 months House of Correction, Marylebone Police Court, 1860.
S. T.	21	Assault to rob	12 months Ho. Cor.	
J. P.	22	Assault, together with another, to rob.	10 years	
C. T.	22	Ditto	10 years	6 months House of Correction, Westminster Police Court May 1860.
G. N.	22	Robbery, together with others, with violence, having been before convicted of felony.	10 years	2 months Maidstone, Woolwich Police Court, March 1860; 6 ditto, ditto, April 1862.
W. S.	24	Robbery, together with others, with violence.	3 years	
G. B.	22	Ditto, having been before convicted of felony.	3 years	Convicted, Maidstone, 6 months, October 1861; and also several summary convictions.
T. R.	20	Robbery, together with others, with violence.	20 years	
J. D.	20	Ditto	20 years	
C. R.	19	Ditto	4 years	
J. H.	30	Robbery, together with another, with violence.	5 years	
R. L.	25	Ditto	5 years.	
J. K.	19	Assault, with intent to rob.	10 years	2 months House of Correction, Thames Police Court, January 1860; 6 months House of Correction, ditto, February 1862.
R. H.	23	Robbery, together with another, having been before convicted of felony.	10 years	6 months House of Correction, Marylebone Police Court, April 1862 (R. H.); and several summary convictions.
W. W.	19	Robbery, together with another person.	4 years	
E. M.	29	Robbery and wounding, after a conviction of felony.	Life	Convicted, Kent Quarter Sessions, 7 years (after a previous conviction), July 1857 (T. M.).
J. L.	18	Ditto	4 years	Convicted, Westminster, 3 months, April 1855 (M. L.)
J. B.	18	Robbery and wounding	4 years	Convicted, Westminster, 3 months, 1860.
J. F.	18	Ditto, after a conviction of felony.	4 years	Convicted, Westminster, 2 months and 3 years Reformatory, Blyth House, April 1860 (J. L.).

(Signed) E. J. JONAS.

December 4, 1862.

I.

Statement with regard to Crime in England and Wales, 1858 to 1862, inclusive.

From the Police Returns.

Year.	Crimes.			Persons.			Persons how disposed of.					
	Reported by the Police as indictable Offences.	Offences (Persons) proceeded against summarily.	Together.	Apprehended by the Police for Indictable Offences.	Proceeded against summarily.	Total persons proceeded against.	Discharged by the Magistrates.		Bailed or committed for want of Sureties.	Committed or bailed for Trial.	Summarily convicted by the Magistrates.	Total Number disposed of.
							Accused of Indictable Offences.	On Summary Proceedings.				
1858 -	57,868	404,034	461,902	30,458	404,034	434,492	11,789	143,744	273	18,396	260,290	434,492
1859 -	52,018	392,810	444,828	27,119	392,810	419,929	10,178	135,000	347	16,594	257,810	419,929
1860 -	50,405	384,918	435,323	24,862	384,918	409,780	8,659	129,115	194	16,009	255,803	409,780
1861 -	50,809	394,717	445,526	27,174	394,717	421,891	8,794	131,207	233	18,147	263,510	421,891
1862 -	53,225	408,833	462,058	29,220	408,833	438,053	9,303	135,937	194	19,723	272,896	438,053

(*continued*).

Year.	From the Criminal Tables and the Police Returns.									Sentences.						
	Number proceeded against.			How disposed of.								Imprisonment.		Other Punishments.		Total Sentences.
	At Assize and Sessions.	Summarily before the Magistrates.	Total.	Acquitted on Trial and discharged.	Discharged by Magistrates on summary Proceedings.	Insane.	Convicted.			Death.	Penal Servitude	After Trial.	Summarily, by Magistrates.	After Trial.	Summarily, by Magistrates.	
							Total.	On Trial.	Summarily.							
1858	17,855	404,034	421,889	4,576	143,744	33	273,536	13,246	260,290	53	2,130	10,834	65,261	229	195,029	273,536
1859	16,674	392,810	409,484	4,175	135,000	29	270,280	12,470	257,810	52	2,170	10,060	57,284	188	200,526	270,280
1860	15,999	384,918	400,917	3,907	129,115	24	267,871	12,068	255,803	48	2,219	9,656	53,330	143	202,473	267,869
1861	18,326	394,717	413,043	4,423	131,207	24	277,389	13,879	263,510	50	2,450	11,233	61,709	146	201,801	277,389
1862	20,001	408,833	428,834	4,651	135,937	38	288,208	15,312	272,896	29	3,167	11,944	71,993	172	200,976	288,281

K.

(Extracted from the Judicial Statistics for England and Wales.)

NUMBER of PERSONS committed or bailed for Trial, or indicted, in the Years 1860, 1861, and 1862, with the Result of the Proceedings.

	1862.		1861.		1860.	
Not prosecuted and admitted evidence.	21		56		77	
No bills found against	904		929		769	
Not guilty on trial	3,726		3,438		3,061	
Acquitted and discharged		4,651		4,423		3,907
Acquitted on the ground of insanity.	19		16		12	
Found insane	19		8		12	
Detained as insane		38		24		24
Sentenced to Death	29		50		48	
,, Penal servitude	3,167		2,450		2,219	
,, Imprisonment	11,944		11,233		9,656	
,, Whipping, fine, &c.	172		146		145	
Convicted		15,312		13,879		12,068
Total committed, &c.		20,001		18,326		15,999
Proportion of acquitted and discharged to total committed, &c.	23·2 per cent.		24·1 per cent.		24·4 per cent.	

L.

ENGLAND AND WALES.

TABLE showing the TOTAL NUMBER of PERSONS committed for Trial or Bailed in each Year from 1857 to 1862 inclusive, and the nature of the Offences.

	1862.	1861.	1860.	1859.	1858.	1857.
Offences against the person.	2,212	2,058	1,802	2,109	2,145	2,158
Offences against property, with violence.	2,321	1,970	1,424	1,546	1,837	2,286
Offences against property, without violence.	13,709	12,695	11,415	11,481	12,139	14,120
Malicious offences against property.	349	230	194	189	180	204
Forgery and offences against the currency.	756	771	662	796	902	959
Other offences.	654	602	502	643	652	542
Total offences	20,001	18,326	15,999	16,674	17,855	20,269

APPENDIX No. 2.

PAPERS delivered in by Major-General Sir JOSHUA JEBB, K.C.B.

A.

MEMORANDUM for the SECRETARY OF STATE on the principal QUESTIONS that appear to require Consideration with reference to the RESOLUTIONS of the SELECT COMMITTEES of the HOUSE OF LORDS and HOUSE OF COMMONS, and on the Subject of CONVICTS generally. By Colonel JEBB, C.B., &c.—Dec. 20, 1856.

The principal questions referred to may be thus stated:—

First. Whether transportation can be re-established on such a footing as to secure to this country the advantage it has so long enjoyed of getting rid of its worst criminals, or whether it can be adopted with useful effect as a means of disposal for the better classes?

Second. Whether, failing in those objects, or in connexion with them, the restrictions of a ticket of leave can be advantageously enforced after a certain period of penal servitude in separate confinement and on public works?

Third. Under what conditions, and to what extent, it would be expedient to remit a proportion of a sentence of penal servitude as an encouragement to good conduct and a means of reformation?

Fourth. The scales for regulating penal servitude, either alone or in combination with transportation or banishment.

1st.—TRANSPORTATION.

Before entering upon the particular questions referred to in the Resolutions of the Select Committee of the Houses of Lords and Commons, it may be convenient briefly to glance at the successive changes that have taken place in the punishment of transportation, and the different aspects that it has assumed of late years when compared with former periods.

Up to the period when transportation to Van Diemen's Land was discontinued no system could have apparently worked better for the mother country and the convict. The former obtained the great advantage of being relieved from all further anxiety in the annual removal to a distance of nearly all the criminals who had been convicted of serious crimes; the latter was successfully trained during a proportion of his sentence, and then placed in circumstances affording him the best chance of entering on an honest course of life.

There can be no question, too, that the third party, namely, the colony, derived advantages which amply compensated for everything but a certain sense of humiliation in being made a receptacle for criminals. The eventual refusal, therefore, of the colonists in Van Diemen's Land to receive convicts may be regarded as a sacrifice of their interests to the maintenance of a principle.

Interested as I am in the success of any measures for the management and disposal of convicts, I only refrain from urging the advantages of transportation from there being apparently no way of resuming it on a large scale which is not likely to entail undue expense or accumulate future evils and uncertainties.

In the following remarks, therefore, I have endeavoured more particularly to give the details of such alternatives as it is in the power of the Government to carry out, independently of a colony, or with its full consent.

Established Discipline for Convicts.

The arrangements made under your authority, with the concurrence of Earl Grey, on the opening of Portland prison in November, 1848, will be better understood by the following extract from the notice placed in each cell:—

"*Notice.*

"Male convicts under sentence of transportation will, in ordinary cases, be subjected to three periods of discipline before they serve out the term of their

sentence, or obtain a conditional pardon in the colony to which they may be sent.

"The first period will be passed in separate confinement.

"The second period will be passed at hard labour on public works, under strict discipline, for a period proportionate to the sentence.

"The third period will be passed with a ticket of leave in one of Her Majesty's colonies."

There is no difficulty in carrying out the first two periods adverted to. The only difficulty is in the disposal of a convict when released from direct control.

Conditions under which a Colony can be deemed a fit place for Transportation.

The conditions under which a colony can be deemed in a fit state for the reception of convicts, having reference to the important interests which are inseparably mixed up with the question, are particularly alluded to in the third Resolution of the Select Committee of the House of Lords, viz.:—

"That to make a colony a fitting place for the reception of convicts, it is necessary that there should be within it some considerable demand for their labour, either for public improvements or by private capital; and then there should be already within it, or be likely to arise, such an amount of free population as will prevent a great inequality in the sexes and too great a disproportion of the convict element.

In the first Resolution, also, the Committee only contemplate a continuance of transportation "when it can be carried out with advantage to the colony and satisfaction to the colonists.

Lord Campbell, also, in his evidence before the Select Committee of the House of Commons, supports the same view.

His Lordship observes (3973):

"But I feel that until there is a colony where there is a demand for labour, and where the convicts may be absorbed in the population, and may maintain themselves by honest industry, transportation will not at all answer the purposes for which it is intended."

Again (in 4008), he observes:

"The object of transportation, in my view of it, cannot be accomplished unless he is sent to some country where there is a demand for his labour, where he can become a useful citizen, and where he may re-establish himself in society. There has been a talk of having penal servitude in one of the Hebrides or in one of the Falkland Islands; without really colonizing, I do not believe that that would at all produce the effect."

Means now at the disposal of the Government.

The means at the disposal of the Government for carrying into effect the highest class of secondary punishment may be thus stated:—

1. Transportation of a proportion to Western Australia.

2. Penal servitude, carried out by separate confinement, and hard labour on public works, at the different convict establishments at home, and at Gibraltar.

Male convicts from England and Scotland are confined in the following establishments:—

For carrying into effect a first probationary period in separate confinement.

Millbank		1,100	
Pentonville		560	
Wakefield (cells rented)		412	
Leicester (cells rented)		112	
			2,184

Prisons and Public Works.

Portland	1,520	
Portsmouth	1,020	
Chatham	1,100	
Dartmoor (*see* also Invalids, below)	500	
Parkhurst (for Juveniles)	550	
Total for able-bodied prisoners		4,690

Invalid depôts—		
Dartmoor - - - - - -	700	
"Defence" hulk (proposed to be superseded by the erection of an invalid prison on shore for 500) - - - - -	360	
		1,060
Total - -		7,934

This accommodation is independent of Gibraltar and Bermuda, where there exists accommodation and an earnest demand for the labour of about 2,000 men, and of all that is available in Ireland.

Classes of Convicts.

It may be generally stated that there are three classes of convicts to be provided for:

1. A large proportion, who, having been arrested in their career of crime, are capable of being improved by the discipline,* added to others who would give up crime from being tired of it, or deterred by the fear of consequences.

2. A smaller proportion, who, from having been long engaged in criminal courses, and from obduracy of character, are irreclaimable; also all who have been concerned in crimes of violence.

3. A very small proportion of both classes who prove absolutely incorrigible by the discipline, and require special treatment.

4. Invalids.

For the purpose of calculation, the relative proportions of these classes respectively may be taken as follows:—

1st class - - - -	68 per cent.
2nd „ - - - -	18 „
3rd „ - - - -	2 „
4th „ - - - -	12 „

Assumed Classification of 2,500 Convicts.

Assuming 2,500 to be under sentence of penal servitude, the proportion of the different classes alluded to above will be as follows:—

1st class - - - -	68 per cent. - -	1,700
2nd „ - - - -	18 „ - -	450
3rd „ - - - -	2 „ - -	50
4th „ - - - -	12 „ - -	300
	Total - -	2,500

As the 2nd and 3rd classes are those concerning whose management and disposal the most serious difficulties are likely to arise, I will first offer a few observations concerning them.

3rd class, or incorrigible convicts who are scarcely amenable to the control of discipline.—This class would, I think, be more effectually dealt with at home, where they could be better controlled than elsewhere. As they would not be deemed to be incorrigible until they had given unequivocal proofs of being *unfit for association*, the best course would be to place them in the penal class at Millbank, there to work out the whole of their sentences at hard labour, with such an amount of separation as might be found necessary for their management.

If there should ever exist the means of disposing of them, as was formerly the case by embarkation to Norfolk Island, it would be a great relief.

2nd class, confirmed habitual criminals, &c. As there appears but little probability of any of the colonies being willing to accept our worst convicts, I assume they will require to be provided for either at home or at the military

* See 6th Report of Commissioners of Pentonville, and Resolution of the Committee of the House of Commons, 1850.

stations of Bermuda or Gibraltar. This latter arrangement would be in accordance with the 4th Resolution of the Select Committee of the House of Commons, viz.:—"That convict prisons beyond the seas ought to be regarded "as places for carrying out the sentence of transportation;" and also with Lord Campbell's opinion (4023–4024), in which he recommends a specific sentence of transportation to Gibraltar and Bermuda.

These stations do, in some respects, present a more forbidding aspect than Portland or Dartmoor, and on this ground the worst offenders might, with effect, be sentenced to long periods of penal servitude, and subjected to discipline there.

There would be objections to any increase in the stringency of the discipline, or material diminution of the gratuities, &c. The long terms of confinement, and the being sent beyond the seas, might be taken to afford a sufficiency of the deterring element to render the punishment exemplary; but with a view to maintaining order and stimulating them to industry, there should exist the same principles of encouragement that are established at home stations, *with the exception of remission of sentence.*

The absence of some wholesome stimulus would only make the convicts idle and mutinous, whereas a strict system, with legitimate objects to strive for, would be *no less penal in its character*, and would secure, in all respects, a better result.

4th class, invalids. This class would require to be confined at Dartmoor and in the new invalid establishment, and released at home.

Western Australia.

If transportation, or a removal to Western Australia under a sentence of penal servitude, were to be continued, it would appear advisable to consider it as a means of disposal for those whom it might be an object to place in a new sphere, and with a view to give effect to the 9th Resolution of the Lords, to select men generally from the whole body of convicts under sentence of penal servitude, rather than to recur to the shorter terms of transportation, which would again create the uncertainty that has been so much deprecated.

In carrying out this principle the men selected for Western Australia might become eligible for embarkation after certain fixed minimum periods of penal servitude, as was the case under the former system, and receive their tickets of leave on landing, or be placed in probation gangs. Those who were not sent out would serve a longer period at home, and be released either with a ticket of leave or with a free pardon.

My belief is, that one half at least of the first class might be so disposed of at home, without any detriment whatever, and that Western Australia could absorb the remainder.

Sentences of Penal Servitude applied to the first or best Class of Convicts.

The resolutions of the Committee of the House of Commons on the subject of remissions are as follows:—

"Resolution 5.—That every punishment by penal servitude should include, first, a certain fixed period of imprisonment and hard labour on public works, to be undergone at all events; second, a further period which should be capable of being abridged by the good conduct of the convict himself."

Resolution 7 also states "That with a view to give full effect to the principle indicated in Resolution 5, the sentences of penal servitude prescribed by the Act should be changed and lengthened so as to be identical with the terms of transportation for which they are respectively substituted."

Resolution 9.—"That the scale of secondary punishment would be more complete if a shorter period of penal servitude than any in force were enacted, or an intermediate sentence between the present term of ordinary imprisonment now usually inflicted, and the former sentence of seven years' transportation, or its equivalent."

General Considerations.

If the sentences of penal servitude were to be made identical with the former sentences of transportation, in order to their including the two periods adverted to in Resolution 5, and that some shorter terms were added, as proposed in Resolution 9, it would appear convenient that the sentences of penal servitude

should commence at five years, reducible to some certain minimum. The present stages of discipline established for separate confinement and public works would suffice for the first-named period of penal servitude, leaving for *consideration the details of giving effect to the second, proposed to be abridged by good conduct.*

This opens a very wide field, upon which many disputants will appear, and it is a question which cannot at present be safely determined by experience.

The prisoner, at the commencement of this transition state, may be regarded as having paid the penalty due to his crime, any further restrictions being more in the nature of precaution, for securing the public, and rather designed to promote *reformation* than as an extension of the *punishment.*

The first practical question that arises is, whether exemplary conduct would render a prisoner eligible for release at the expiration of the *minimum* period of his penal servitude, or whether he should undergo any further probation.

Additional Probationary Period.

If it were considered desirable to continue the training of convicts beyond the stages of discipline which are now established for carrying out the first period of imprisonment, adverted to in Resolution 5 (which we will assume to be one half of any less proportion of the sentence), it should not be for more than a very limited term. *Anything which defers that liberty,* to which all convicts so anxiously look forward, would have more or less of *prejudicial effect,* and tend to defeat the previous efforts to reform. If, to avoid this, *a new probationary term were taken out of the first period,* its duration might be unduly *shortened,* and there would be a corresponding loss of the *deterring element.*

Between the two, taken even as a choice of evils, I should be disposed to prefer an adherence to a consistent system of progressive stages of discipline for the first period, whatever it might be, and trust the prisoner, whenever he might be released, to his own ascertained resources, the good offices of individuals, or to societies organized for the purpose of affording assistance, *rather than retain him in any intermediate stage,* on the hands of the Government, or under other restrictions which would mark him as a criminal.

If, however, it were decided to commence the second period with another stage of probation, the most simple course would be to form an additional class or *stage of discipline in each prison,* with increased privileges and diminution of control. The *special* classes formed at Dartmoor and Portland some years ago, who are allowed to go about the moors and quarries without being in charge of a warder, is an illustration of this principle; so is the refuge at Fulham, where the discipline is mainly conducted by moral control, and some women are employed as servants to officers and in places of trust, &c. The plan recently introduced in Ireland is of the same description.

I should not, however, recommend this plan being carried very far, especially in the way of putting temptation before a convict, and punishing him for not resisting it. To take his forbearance as an indication of reform is an error; any man who has been a successful deceiver for several years would easily go through a further trial, where a better man might fail.

Employment for Discharged Prisoners.

With regard to affording employment to discharged prisoners, I pointed out in a former report, that, in the event of its appearing that men released on licence were unable to obtain employment, there existed facilities at Portland and Portsmouth for granting such as deserved it increased liberty, and giving them work at a low rate of wages. It was proposed that they should be employed at task work in the quarries and in the new forts at Gosport.

Excepting in a few individual cases, however, the demand for this measure has never appeared urgent, and as one great object is to *disperse* men, when released from that amount of control which prevents mischief, I could not recommend the experiment of providing associated labour for discharged prisoners, unless it were imperatively necessary.

As regards reformation of character, such a measure made generally applicable would, I fear, be more likely to entail the loss of any moral improvement that had been gained than to add to its strength, and the number of volunteers would be inconsiderable.

* * * * * *

Sentences of Penal Servitude combined with Banishment to a Colony.

If recourse be had to transportation, a continuance of a combined system might afford the means of getting rid of certain classes of criminals, by giving them, after a lengthened imprisonment, a better chance of doing well for themselves than they might have at home.

Though it is not well understood, this, in point of fact, is the principle of the system which has been established since the occupation of Portland prison, and it requires but little alteration in the administration of the sentences to adapt it to the entire abolition of transportation in its character of a *punishment*, and using it as a means of *disposal* only.

This arrangement would involve the full consent of the colony, and such a demand for labour as would relieve the Government from the expense and the difficulties formerly experienced in Van Diemen's Land in having to find employment.

* * * * * *

Tickets of Leave.

Whatever might be the details of the plan for working a second period of probation capable of being abridged by good conduct, a period would arrive when each prisoner must be discharged, either with a free pardon or under the restrictions of a licence or ticket of leave.

The Committee of the House of Commons, in their 12th Resolution, observe as follows on the system of licences to be at large on ticket of leave:—

"That the system appears to be founded upon a principle wise and just in itself, viz., that of enabling a convict to obtain, by continued good conduct while undergoing his punishment, the remission of a portion of his sentence, upon the express condition, however, that in case of subsequent misconduct his liability to punishment shall revive for the residue of the term specified in the original sentence."

There can be no question whatever as to the advantages secured, during long sentences of imprisonment, by allowing a prisoner to obtain a remission of some stated proportion, as a reward for persevering good conduct and industry, as proposed in the 5th Resolution of the Committee.

The evidence of Lord Campbell, who has been supposed to be adverse to any change involving any deviation from the sentence, supports the view of the Committee on this point. His Lordship, in his replies to questions 4015 and 4016, expresses an opinion that a sentence cannot be considered *uncertain* in which it is an understood condition that a proportion of it might be *remitted*.

The question for consideration, therefore, appears to be whether the remission of a proportion of the sentence shall be of sufficient extent to justify the creation of a class under the restrictions of a *ticket of leave*, or whether, all things considered, it would not be a more simple and judicious course to remit a *smaller proportion of a sentence* and grant a *free pardon*.

This question might be put in the following form:—Shall there be a sentence of seven years' penal servitude, reducible to three and a half of imprisonment, followed by an equal period with a ticket of leave; or one of five years' penal servitude reducible to four, with a *free pardon?*

The Committee of the House of Commons appear only to give their approval to the theory of a certain remission during long sentences of penal servitude, stating in the 11th Resolution that the system of granting licences has been in operation too short a time to enable them to form a clear and decided opinion as to its probable ultimate working.

One great disadvantage under which ticket-of-leave men have laboured has been that they have been regarded as a distinct proscribed class. 30 or 40 per cent. of the prisoners who circulate through other prisons are habitual criminals. but excite no notice whatever, because when they have endured their sentence they are free. Not so with the man who continues under a legal restriction after his release; he becomes a *marked* man.

For these and other reasons I incline to the opinion that a *free pardon*, after a short remission, would in most respects be better than a remission of a much longer term to be passed with a ticket of leave, and would work equally well for the discipline and better for the public.

Should it be determined, however, to continue the system of licences, a slight extension of the present arrangements might give effect to the Resolu-

tions of the Committees of the House of Lords and House of Commons in respect to a stricter enforcement of the conditions of a licence, and a more regular superintendence on the part of the police.

* * * * * * *

"No one will be inclined to doubt the convenience and advantages of transportation; but looking to the change of circumstances alone which have occurred since it first took place at the head of our secondary punishments, there is good reason to doubt whether it ought to remain there."

* * * * * * *

"So far as a deterring punishment goes, and so far as that may have an influence in repressing crime, there can be no question that long periods of penal servitude will be far more formidable than shorter ones combined with removal to a colony; and if a sentence of penal servitude for life be passed it would, to many minds, convey a more formidable impression than capital punishment itself. If long sentences of confinement be established for all serious crimes, especially such as are accompanied with violence, there never will again be heard in a court of justice that libel upon the law, 'Thank you, my Lord!'"

* * * * * *

"Transportation not a sufficient Punishment.

I say it with all due respect for the opinions of others, but I say it because my own opinion rests upon an extended experience and upon facts, that the deterring aspect of transportation has been gradually diminishing in the eyes of the criminal classes concurrently with an increasing necessity of providing some more severe sentences to replace the loss of capital punishment. It is little dreaded by the majority of the men, and is even less so by the women. Few of them have anything to lose; any change must be for the better.

Lord Campbell observes, in his evidence:

'I think that if the country is to send people abroad as emigrants, and to take care of them, if you call that transportation, that, instead of being a *punishment*, it may be a *reward*.'

If it be said, it can surely be made a punishment! a consideration of the details for throwing convicts on a desert island, and ruling them when landed, will make anyone shrink from so fearful a responsibility. In whatever form it might be attempted, it would be surrounded with insuperable difficulties, keeping in mind that a watchful public would not long tolerate the dark atrocities of Norfolk Island. It would be next to impossible to avoid them unless the convicts were introduced in a small proportion to the thriving community among whom they might be set free, and there the object would be to make them happy.

A satisfactory solution of this question may not be hoped for where the interests of the mother country and the colony are diametrically opposed: the former seeking to be relieved of her *worst* criminals, and to obtain a formidable punishment; the latter desiring to receive only the best, and such as are likely to prosper."

* * * * * *

"Operation of the Act 16 *&* 17 *Vict. cap.* 99.

The following Resolutions of the House of Commons refer to the working of the ticket-of-leave system:—

Resolution No. 13.—'That there has been much of misapprehension and exaggeration with regard to the conduct of persons released upon tickets of leave, who have been frequently confounded (even by several of the witnesses on this inquiry) under one common designation of ticket-of-leave men with convicts whose sentences had fully and absolutely expired.'

Resolution No. 14.—'That there is reason to believe that the conduct of a large proportion of the whole number of persons discharged upon tickets of leave has hitherto been good, and that in other cases persons so discharged have relapsed into crime from the difficulty, arising from their former characters becoming known, of procuring or retaining honest employment in this country, a difficulty, however, which obviously applies to all persons once convicted, whether discharged upon tickets of leave, or absolutely at the expiration of their sentences.'

In confirmation of this opinion, and to show the slender foundation of the present outcry, I subjoin the following statistics:—

The number of male convicts released on licence from September 1853 to December 1856, a period of three years and three months, has been as follows:—

From public works prisons	5,435
Juveniles from Parkhurst	495
Bermuda and Gibraltar	800
	6,730
Of the above there have been—	
Licences revoked for trifling crimes	381
Men convicted of more serious crimes and sentenced to penal servitude or transportation	381
	762
Committed to prison but not yet convicted	80
Total males	842

Per-centage on the whole, 12½.

During the three years and a quarter that the practice has been in operation, there has, therefore, been an annual average of rather more than four per cent. of re-convictions.

With a view to the comparison of the behaviour of these men with that of what may be termed the criminal class, in regard to the commission of crime, I submit the following statement:—

During the three years and a quarter above referred to, the number of males convicted in England before the courts, and those under summary conviction, may be stated in round numbers at about 235,000, and of these from 30 to 35 per cent. would probably be re-committals.

From this it would appear that an average of rather more than *three* ticket-of-leave men have been found in every *thousand* who have been convicted, and that whilst the ratio of re-committals of men discharged from convict prisons has been only 12½ per cent. in three years and a quarter, the re-committals in ordinary prisons must have been about three times the amount. The ticket-of-leave men, taken as a section of the criminal class, are therefore far better conducted than their fellows.

These considerations lead me to the conclusion that the Resolutions of the House of Commons are most fully borne out by the facts. If the question be fairly considered, the real cause of alarm is to be found in the criminals who are released from ordinary prisons without tickets of leave, and it is to this point that I have particularly directed attention in my last report, page 25.

Mr. Clay, the chaplain of Preston, states his opinion, that 'there are more 'really dangerous characters discharged from ordinary prisons in a fortnight 'than could be found among all the ticket-of-leave men liberated from Port-'land, Dartmoor, Parkhurst, and Portsmouth in a year.'"

Crimes.

Nor does the nature of the crimes for which 762 of the above convicts have had their licences revoked, or been again convicted, give a very serious view. The following is an analysis:—

Larceny	285	
Uttering base coin, &c.	14	
Against the Vagrant Act	56	
For assaults	35	
For assaults on police	29	
For offences against the game laws	20	
For desertion	10	
For misdemeanour	35	
Picking pockets and attempting ditto	15	
Theft and reputed theft	86	
Wilful damage	3	
Total of minor crimes		588

Felony, housebreaking, &c.		97
Offences of a graver character:—		
Murder		1
Burglary		57
Robbery with violence		7
Highway robbery		1
Cutting and wounding		2
Arson		2
Forgery		7
		174
		762
Committed, but not yet convicted		80
Grand total		842

Administration of the Law.

As regards the administration of the law in connexion with the Act 16 and 17 Vict., c. 99, or in any enactment for altering its provisions, it would appear to be an object, in all cases where the crime would admit of it, and the individual appeared *confirmed* in his criminal habits, that a sentence of transportation, or a long one of penal servitude, should be passed. In cases, also, of men who forfeit their licences, and thus give proof that they could not withstand the temptation to resume their old courses in this country, it would be right not to afford them another opportunity, but to sentence them accordingly, in aggravated cases for life, in others for long periods. The criminals to which I would particularly refer as those most likely not to give up their practices are, receivers of stolen goods, burglars, robbers with violence, confirmed pickpockets, and, generally, thieves from large towns.

Discipline in County and Borough Prisons.

This subject is so inseparably connected with the convict question, that I would venture to repeat a suggestion made in my Report for 1854–55, that it would be of importance at the present crisis to take a comprehensive view of the whole question of crime and punishment, with a view chiefly to define clearly the limits of imprisonment, to secure a greater degree of uniformity, and to enforce a more stringent and deterring punishment.

It may be assumed that the administration of the law will be affected, to a certain extent, by the comparatively small number sentenced to transportation, and by the public mind becoming familiarized with longer periods of imprisonment in this country than have been known in former times; the discipline to be enforced in county and borough prisons becomes, therefore, a matter of greater interest.

Before resorting to a minimum sentence of four years' penal servitude, the practice of passing sentences for terms of 18 months or two years might, with advantage, be adopted. Where the discretionary power of the judges is, in many cases, so unfettered as to the term of the sentence, and the justice of the case, taken in connexion with all the circumstances, opens so wide a field for its exercise, it is indeed an important question to determine on that period of imprisonment which will at the same time satisfy the ends of justice and be calculated to correct and reclaim, or at least, deter, the offender.

There is no disguising the fact that the present practice grievously fails in some of these objects, and it is well worth considering whether any, and what, improvements could be generally introduced.

Suggested Alterations in Discipline, &c.

My view is, that during all short terms the discipline should be sufficiently stringent to deter from crime, and that during the longer ones the severity of the discipline should be relaxed, with a view to promote the reformation of the offender. It were useless to attempt this during all the shorter terms, and therefore if the discipline is to be exemplary in its character, it must be so either by the *duration of the period of confinement, or by its severity and the distasteful nature of the discipline.*

It has been shown, in the case of ticket-of-leave men, that comparatively few become again chargeable to the public, but it is far otherwise with ordinary criminals. This result may probably be due to many causes, some of which are out of reach, but among them it is fair to infer that the following will hold a prominent position:—

First, short terms of imprisonment failing to deter, and affording no opportunity to reclaim the offender.

Secondly, there being no element in the discipline holding out encouragement to good conduct.

Thirdly, no assistance on discharge.

If the present very defective results of prison discipline be due to the large proportion of short terms (a fact which recent legislation has determined in the case of juveniles), it were easy to remedy the evil by abolishing them, and making any given number of months the minimum of imprisonment.

That question being settled, the more complicated one of a suitable discipline has to be considered. This opens a very wide field of discussion, which can only be safely entered on in a plain and practical way, not aiming at too much, and not being satisfied with anything less than appears calculated to effect the desired object.

Penal and Reformatory Objects.

It will be generally admitted that in carrying out a sentence of imprisonment, penal and reformatory objects should be equally kept in view, the penal element of discipline being first, not so much in importance as in order. Paley, however, says, "the end of punishment is twofold, amendment and example," thus placing the reformatory element first.

In practically dealing with this question there are many difficulties, arising chiefly from the fact that measures suitable for the suppression of crime by severity of punishment are not always adapted to reformatory objects, and *vice versâ*.

Great caution, therefore, is necessary in maintaining the two elements in their due proportion, and judiciously introducing them according to circumstances.

Experience has sufficiently proved that the acquirement of good habits, and to some extent reformation of character, can only be promoted by affording a due degree of encouragement. During long periods of confinement, such as occur under a sentence of penal servitude, a remission of a portion of the term is an effective stimulus, but even during shorter periods it is better to *lead* than to *drive;* and this practice is not inconsistent with the enforcement of the most stringent discipline.

The questions of detail will naturally divide themselves into the discipline proper for sentences of imprisonment and penal servitude, respectively.

I will take the former to extend from a minimum of three or six months to any period up to 18 months. The latter, extending from the shortest term of penal servitude, say 5 years, to the longest, and to life, has been already adverted to.

Sentences of Imprisonment to be carried out in County and Borough Prisons.

During terms of imprisonment extending to a maximum of 18 months there is scarcely scope, nor is there necessity, so far as discipline is concerned, for a remission of any portion of the sentence. I should therefore propose, during a sentence of 12 months and under, to afford encouragement by classification as in military prisons, and during the periods extending from 12 to 18 months, to grant some additional privileges corresponding to the stages of discipline of the convict prisons. I am induced to suggest 18 months, because such a sentence might without difficulty be carried out in county prisons.

I take separate confinement under regulations issued by the Secretary of State as the basis of the discipline to be generally enforced for all periods short of 12 months, to be relaxed during longer terms in favour of association under close supervision. In former reports I have entered more fully into the details of this question. (See Reports for 1850, 1851, and 1854.)

Conclusion.

I would beg leave, in conclusion, to give a short summary of the foregoing observations, which may serve to direct attention to some of the principal questions.

First.—In considering the present system of secondary punishment, increased stringency would appear necessary at county or borough prisons, combined with greater encouragement to good conduct, and above all, assistance to prisoners on discharge. It is no small class to which this would apply, the number annually convicted and imprisoned being from 70,000 to 80,000, of whom about 30 per cent. are re-committals.

Second.—Penal servitude for the classes of crime heretofore visited with sentences of seven and 10 years' transportation, banishment to a colony to be resorted to as a *means of disposal after the penal part of the sentence had been endured.* Such convicts as could not be received into a colony to be released at home.

3. The *worst class* of criminals to be effectually prevented doing mischief to others, either at home or in the colonies, by much longer periods of confinement on public works than have yet been resorted to. By long periods I mean *for eight or 10 years, or penal servitude for life.* These terms will effectually break up all former associations and greatly reduce the chance of a man again esorting to crime. If from circumstances it should be absolutely necessary afterwards to release any such prisoners at home, they might be placed under the close superintendence of the police, with a ticket of leave; and another conviction should ensure confinement for life.

4. All burglars, robbers, and highwaymen using violence, receivers of stolen goods, re-convicted prisoners, following crime as a profession, to be so dealt with.

5. If some such system as that here sketched out were adopted, I cannot but hope that it would secure a more effective punishment than either transportation or imprisonment have afforded for many years past. And if it were combined with *preventive* measures vigorously applied, it might be anticipated that the crime of the country would gradually be diminished.

APPENDIX No. 3.

Papers delivered in by Major-General Sir Joshua Jebb, K.C.B.

A.

Remarks on the Class of Offenders sentenced to Penal Servitude.

With reference to the per-centage of re-convictions of men who have undergone a sentence of penal servitude in convict prisons, much has been affirmed and assumed as evidence against the beneficial result of the present convict system, but the fact seems to be entirely lost sight of, that a very large proportion of the inmates of a convict prison have found their way to it by the steps of frequent convictions for crime, the sentences of punishment resulting having been passed in the county or borough gaols. The caption papers forwarded with each convict disclose too often a sad and systematic course of crime, which has, at length, landed the transgressors within the walls of a government prison. The discipline of the county or borough gaol, however conducted, has failed in *reforming* criminals, or, at least, *deterring* them from the re-commission of their offences in such a way as to insure them against re-conviction.

It cannot unfairly be assumed that at least from 30 to 40 per cent. of those who have been committed to gaol at the quarter or intermediate sessions return upon the hands of the governors of the county and borough gaols. These, having exhausted the patience and hope of the local authorities, receive, at length, the sentence which consigns them to penal servitude. The large body of convicts is made up of drafts from this class. It would be a matter of surprise that this truth respecting the numerous re-convictions of county and borough criminals should be so much lost sight of. I do not say this to uphold one system by lowering another, but only to point out the vast difficulties attendant upon the punitive treatment and reformatory discipline of a large class, the elements of which have already been *subjected to a process* which has *failed.* It must be conceded that, as sin indulged becomes less like sin in a man's eyes, so, every *successive imprisonment*, unattndeed by the beneficial effects sought for, leaves the subject *worse than before.* What degree of hardening he may have arrived at by the time he has experienced five, six,

or more periods of punishment cannot be told, but *he must* have been rendered *very hard indeed.*

If the earlier stages of criminal life, when the heart may be supposed more susceptible of good influences, and the fear of punishment is stronger, show a relapse of from 30 to 40 per cent., what are we to look for when the manhood of crime has been reached, and the consciousness of victory over every attempt to promote reformation of heart and life possesses the criminal?

If we looked at the figures and they ranged themselves even so high as 50 per cent. of re-convictions in the convict prisons we should have no room for gloomy and despairing thoughts.

The picture is, happily, brighter, and we have a less per-centage of re-convictions from convict prisons than from the county and borough gaols.

This is a point not considered as it ought to be, and *justice* demands its recognition. Our social welfare, too, is concerned, because it cannot tend to the general good for legislation to proceed upon any but the truest principles, and no principles can be true which owe their sustenance to *mistaken views* or *perverted facts;* for, sooner or later, the good will disagree with the bad, they cannot work together. The convict system does not make crime, but receives its votaries, in general, at a very forward stage of their career.

B.

Description of the following Statistical Returns.

To save the trouble of reference, I will describe the nature of the information which some of the following tables are designed to give, and the deductions which, in my opinion, may be drawn from them, premising that, though they are as full and accurate as the data at command will allow, a fair margin must be taken to supply deficiencies and correct unintentional errors.

Table C. shows that out of 6,456 male prisoners in confinement in the convict prisons on 1st October 1862, there were 990 (or 15·3 per cent.) of prisoners who had been previously since Jan. 1854 under sentence to penal servitude, and been again re-committed and sentenced to penal servitude.

That of a total of 11,603 confined in county and borough prisons on the same day, there were 547, or 4·8 per cent., &c.

That out of 1,210 female convicts in confinement in convict prisons on the 1st October 1862, there was an accumulation of 187, or 15·4 per cent., and of 2,936 females in confinement on the same day in county and borough prisons, there was an accumulation of 115, or 3·9 per cent.

Table D. gives for *each* of the five years from 1857 to 1861, the details of the receptions and disposal of convicts in the different convict prisons.

From Table E. it will be seen that out of a total number of 10,507 male prisoners released on licence from October 1853 to December 1861, a period of 8¼ years, 1,124, or 10·7 per cent., have been re-convicted, and 849 or 8 per cent., have had their licences revoked.

Table F. shows that out of 10,507 licences issued, 1,438 male licence-holders were returned to convict prisons for light offences under fresh sentences to penal servitude or transportation, being 13·6 per cent., and 535, or 5 per cent., for the more serious crimes, during the 8¼ years.

Table G. states the offences for which licences have been revoked, and re-convictions have taken place, and it will be seen that out of the 1,973 who have returned to convict prisons, either by revocations of licence, or by re-conviction, 1,438 or 13·7 per cent. were sent back to prison for larceny and light offences, and 535 or 5 per cent. only for offences of a graver character.

Table H. shows the *general* convictions of males and females in England and Wales, for the graver offences of murder, forgery, &c., burglary, robbery, &c., cutting and wounding, housebreaking, &c., arson and rape, for a period of 8 years, and also the convictions of male and female licence holders for similar offences, giving the per-centage of the latter on the former. From this return, which is taken from the criminal statistics issued from the Home Office, it appears that whereas there were 20,796 *general* convictions, for the serious offences, there were only 547 re-convictions of licence holders for similar offences, or a per-centage of 2·6 as compared the one with the other. In other words, that out of every 1,000 convictions for these crimes, 26 were committed by ticket-of-leave men. As regards minor offences, there were 103,926 general convictions against 1,567 of licence holders, or 15 in a thousand.

Taking the offences, whether grave or light, together, the return gives 16 in a thousand committed by ticket-of-leave men.

Table I. shows that in 8¼ years 962 female prisoners have been released on licence, and that of this number 73 have been re-convicted, and 68 have had their licences revoked, or 7·4 per cent. and 7 per cent. respectively.

Table K. is a return showing particulars referring to female convicts who have relapsed into crime, giving the periods within which the relapses occurred, and the per-centage on the whole number licensed.

Table L. is a return of the number of females sentenced to penal servitude in each year, from 1857 to 1862, who have been previously sentenced to penal servitude or transportation, and shows the sentences passed on re-conviction.

Table M. shows the extent and nature of the information received concerning 9,204 convicts released on licence in reference to the payment of the gratuity which they have earned in prison by good conduct and industry. Out of 6,845 who left balances, it is shown that 5,781 have made applications supported by the certificates of 2,596 clergymen, 859 magistrates, 1,143 others; and that 1,671 have been paid, after due inquiries, by the Prisoners' Aid Societies, &c.

Table N. is a statement of the gratuities paid to male convicts during the year 1862.

Table O. is a similar statement of the gratuities paid to female convicts.

Table P. shows the amount of remission of sentence granted or withheld in the cases of 2,076 convicts released on licence between 1st January 1860 and August 1862, showing that 1,406 gained the whole period authorized by the Secretary of State, that the remainder forfeited various periods extending from 1 month and under to the entire term, but that of these 790 had regained by subsequent good conduct a proportion of the time forfeited.

Table Q. is a return of males discharged on licence, expiration of sentence, or by pardon, from 1857 to 1862.

Table R. is a similar return of females.

J. Jebb, Chairman.

C.

Re-conviction of Prisoners.

Return of the Number of Male and Female Prisoners in the Convict Prisons and the County and Borough Prisons respectively on the 1st of October 1862, showing the Number and Per-centage of Prisoners among them who, at any Period since January 1854, had been subjected to a Sentence of Transportation or Penal Servitude.

Males.

———	Population.	Accumulation of re-convicted Prisoners.	Per-centage of Accumulations.
In the Convict Prisons - -	6,456	990*	15·3*
„ County and Borough Prisons	11,603	547	4·8

Females.

———	Population.	Accumulation of re-convicted Prisoners.	Per-centage of Accumulations.
In the Convict Prisons - -	1,210	187	15·4
„ County and Borough Prisons	2,936	115	3·9

* The number in the convict prisons is the accumulation during a period of several years.

J. Jebb, Chairman.

D.

Receptions and Removals.

Return showing the Reception and Removal of Convicts in the different Convict Prisons, from 1st January 1857 to 31st December 1861; a Period of 5 Years.

MALES.

Year.	Number in prison on the 1st January 1857.	Received during the Year.						Removed during the Year.										Remaining in Convict Prisons at the End of the Year 1861.	Total Prison Population during the Year.
		Under fresh Sentences.	Revocations of Licences.	From Bermuda.	From Gibraltar.	From Lunatic Asylums.	Total received during the Year.	To Western Australia.	To Gibraltar.	To Bermuda.	Pardons. Free, Conditional, and on Medical Grounds.	Licences. General and on Medical Grounds.	Expiration of Sentence.	To County and Borough Prisons, Spike Island and Lunatic Asylums, &c.	Escaped.*	Deaths.	Total disposed of.		
1857	6,757	2,748	237	128	300	13	3,426	532	400	300	59	690	521	34	5	65	2,606	7,577	10,183
1858	7,577	2,291	138	114	133	10	2,686	550	—	640	38	300	1,622	26	3	114	3,293	6,970	10,263
1859	6,970	2,119	58	301	81	23	2,582	224	140	281	14	228	1,609	47	2	73	2,618	6,934	9,552
1860	6,934	2,154	18	280	47	5	2,504	296	—	—	6	703	1,588	48	7	83	2,731	6,707	9,438
1861	6,707	2,344	24	350	118	3	2,839	306	304	—	7	1,620	791	31	5	73	3,137	6,409	9,546
Total	—	11,656	475	1,173	679	54	14,037	1,908	844	1,221	124	3,541	6,131	186	22	408	14,385	—	—

FEMALES.

1857	782	554	25	—	—	1	580	—	—	—	40	278	79	8	—	29	434	928	1,362
1858	928	442	9	—	—	2	453	—	—	—	5	12	205	4	—	18	244	1,137	1,381
1859	1,137	312	6	—	—	—	318	—	—	—	1	20	228	7	—	11	267	1,188	1,455
1860	1,188	526	5	—	—	—	531	—	—	—	2	167	246	2	—	19	436	1,283	1,719
1861	1,283	368	2	—	—	—	370	—	—	—	1	282	144	2	—	11	433	1,220	1,653
Total	—	2,202	47	—	—	3	2,252	—	—	—	49	752	902	23	—	88	1,814	—	—

J. Jebb, Chairman.

E.

Male Convicts' Revocations of Licence and Reconvictions.

Return of the Number of Male Convicts released under Orders of Licence in each year, from October 1853 to December 1861; showing the Number returned to the Convict Prisons, either by having had their Licence revoked for trifling offences, or being sentenced to Penal Servitude or Transportation.

Year.	Number Licensed.	Number of Male Licence Holders who have been reconvicted or Licences revoked.																Total Revoked.	Total Reconvicted.	Grand Total.	Per-centage.	
		1853.		1854.		1855.		1856.		1857.		1858.		1859.		1860.		1861.						
		Revoked.	Reconvicted.	Revoked.	Reconvicted.	Revoked.	Reconvicted.	Revoked.	Reconvicted.	Revoked.	Reconvicted.	Revoked.	Reconvicted.	Revoked.	Reconvicted.	Revoked.	Reconvicted.	Revoked.	Reconvicted.				Revoked.	Reconvicted.
Year 1853* -	335	1	–	7	10	3	5	2	4	2	5	–	–	–	–	–	–	–	–	15	24	39	*–	–
„ 1854 -	1,895	–	–	14	19	63	53	38	64	19	33	5	10	2	3	2	–	1	–	144	182	326	7·6	9·6
„ 1855 -	2,528	–	–	–	–	40	47	126	190	99	64	36	24	12	15	1	7	–	–	314	348	662	12·5	13·7
„ 1856 -	2,007	–	–	–	–	–	–	49	131	122	106	52	52	26	33	8	13	2	10	257	347	604	12·8	17·2
„ 1857 -	674	–	–	–	–	–	–	–	–	15	34	31	20	14	22	8	5	4	6	72	87	159	10·6	12·9
„ 1858 -	318	–	–	–	–	–	–	–	–	–	–	7	10	12	12	6	4	2	0	27	26	53	8·4	8·1
„ 1859 -	260	–	–	–	–	–	–	–	–	–	–	–	–	5	4	3	10	1	1	9	15	24	3·4	5·7
„ 1860 -	818	–	–	–	–	–	–	–	–	–	–	–	–	–	–	2	15	1	22	3	37	40	0·3	3·3
To 31st Dec. 1861 -	1,672	–	–	–	–	–		–	–	–	–	–	–	–	–	–	–	8	58	8	58	66	0·4	3·4
	10,507	1	–	21	29	106	105	215	389	257	242	131	116	71	89	30	54	19	97	849	1,124	1,973	8·0	10·7

As Licences are revoked for the most trifling offences, it is scarcely necessary to do more than take account of the reconvictions for the more serious crimes.

* From October to December only.

J. Jebb, Chairman.

F.

Per-Centage of Re-convictions.

THE following shows the PER-CENTAGE per annum of MALE LICENCE HOLDERS returned to Convict Prisons, under fresh Sentences to Penal Servitude or Transportation, during the 8¼ years the system has been in operation, to Dec. 1861 :—

Of the No. 335 licensed from Oct. to 31st Dec. 1853, 7·1 per Cent., or in 8¼ years ·8 per Cent. per annum have been re-convicted.

Do.	1,895	do.	in the year	1854,	9·6	per Cent.	or in 8 years	1·2	do.	do.
Do.	2,528	do.	do.	1855,	13·7	do.	do. 7	do. 1·9	do.	do.
Do.	2,007	do.	do.	1856,	17·2	do.	do. 6	do. 2·8	do.	do.
Do.	674	do.	do.	1857,	12·9	do.	do. 5	do. 2·6	do.	do.
Do.	318	do.	do.	1858,	18·1	do.	do. 4	do. 4·5	do.	do.
Do.	260	do.	do.	1859,	5·7	do.	do. 3	do. 1·9	do.	do.
Do.	818	do.	do.	1860,	3·3	do.	do. 2	do. 1·6	do.	do.
Do.	1,672	do.	do.	1861,	3·4	do.	do. 1	do. 3·4	do.	do.

10,507 licences have been issued to the Directors for the release of male convicts from the different Convict Prisons since the commencement of the system in October 1853, out of which 1,124 have been reconvicted and again sentenced to penal servitude or transportation, or a per-centage of 10·7, being 1·2 per cent. per annum during the 8¼ years of its operation.

10,507 Licences have been issued, out of which number 1,438 or 13·6 per cent. were returned to the Convict Prisons for larceny and light offences; and 535 or 5·0 per cent. for offences of a graver character: being 1·5 per cent annually, of light offences, and 0·5 of more serious crimes, during the 8¼ years.

3,613 convicts have been transported to West Australia during the years 1853 to 1861, out of which it may be assumed from the reports received that from 5 to 8 per cent. only may have relapsed into crime. This, if taken into account, would improve the average result of the English system.

J. JEBB, Chairman.

G.

Nature and Extent of Crimes.

AS regards the NATURE of the CRIMES for which the 849 MALE CONVICTS had their Licences only revoked, and the 1,124 who have been reconvicted for fresh offences, out of 10,507 who have been released, the following is an analysis :—

Convicted of the lighter Offences of

Larceny	704	
Offences against Vagrant Act	130	
Assault on police	34	
Desertion	18	
Picking pockets	32	
Assault	123	
Offences against game laws	23	
Theft, misdemeanor, and other offences	374	
		1,438

Convicted of Offences of a graver Character.

Murder	2	
Forgery, and uttering forged notes or base coin	50	
Burglary	106	
Robbery	43	
„ with violence	16	
Highway robbery	6	
Cutting and wounding	8	
Felony, housebreaking, sheep stealing, &c.	299	
Arson	4	
Rape	1	
		535
Total		1,973

J. JEBB, Chairman.

H.

RETURN showing the Proportion of Convictions of Male and Female Convicts released on Licence during 8 Years, as compared with the Convictions of Male and Female Prisoners for similar Offences during the same Period :—

Offences of a grave character committed by Licensed Male and Female Prisoners released since January 1, 1854, or in 8 years.		Number of Male and Female Prisoners convicted in England and Wales of offences of a grave character, from January 1854 to December 1861, or in 8 years.								Per Cent. of Licence Holders.
		1854.	1855.	1856.	1857.	1858.	1859.	1860.	1861.	Total.	
Murder - - - -	2	11	11	31	20	16	18	16	26	149	1·3
Forgery, and uttering forged notes or base coin, &c.	55	855	797	757	830	793	696	579	657	5,964	·9
Burglary - - - -	106	388	394	528	473	407	308	332	445	3,275	3·2
Robbery, and highway robbery.	67	263	267	272	336	263	264	167	245	2,077	3·2
Cutting and wounding	9	97	205	186	189	132	137	133	150	1,229	·7
Housebreaking, cattle and sheep stealing, &c.	303	959	825	1,069	1,118	879	727	663	919	7,159	4·2
Arson - - - -	4	69	64	64	59	50	79	69	105	559	·7
Rape - - - -	1	41	38	45	57	58	56	53	36	384	·2
Total of serious offences	547	2,683	2,601	2,952	3,082	2,598	2,285	2,012	2,583	20,796	2·6
Minor Offences - -	1,567	20,364	17,370	11,782	12,225	10,648	10,185	10,056	11,296	103,926	1·5
Total - - -	2,114	23,047	19,971	14,734	15,307	13,246	12,470	12,068	13,879	124,722	1·6

From January 1854 to 31st December 1861, 11,128 licences had been issued, and from the Register kept at the Home Office, it is found that 547 of these licence holders have been reconvicted for offences of a *serious character*. On reference to the Criminal Tables issued from the Home Office, it will be found that 20,796 Males and Females have been convicted for similar offences as the above 547, making only 2·6 per cent. of those crimes committed by licence holders.

Again, in respect to the convictions of licence holders for all classes of offences, as compared with others convicted of the same offences, during the same period, the following figures may be taken as an approximation :—

Licence holders convicted of the lighter offences -	1,567
For graver offences, as above - - - -	547
Total - -	2,114
Total Males and Females convicted in England and Wales during the same period (omitting Scotland)	124,722

The ratio will thus be, 1·6 per cent. only for ticket-of-leave holders, as compared with the whole number who have been convicted for the various offences, the number being 2,114 against 124,722.

J. JEBB, Chairman.

I.

Female Convicts.—Revocations and Reconvictions.

Return of the Number of Female Convicts released under Orders of Licence in each year, from October 1853, to 31st December 1861; showing the Number returned to Convict Prisons, either by having their Licence revoked for trifling offences, or being sentenced to Penal Servitude or Transportation.

Years.	Number Licensed.	Number of Female Convicts who have been reconvicted or Licences revoked.																			Per-centage.		Years and Months.
		1853.		1854.		1855.		1856.		1857.		1858.		1859.		1860.		1861.		Total Revoked.	Total Reconvicted.	Grand Total.			
		Revoked.	Reconvicted.	*Revoked.*	Reconvicted.	*Revoked.*	Reconvicted.	*Revoked.*	Reconvicted	*Revoked.*	Reconvicted.	*Revoked.*	Reconvicted.	*Revoked.*	Reconvicted.	*Revoked.*	Reconvicted.	*Revoked.*	Reconvicted.				*Revoked.*	Reconvicted.	
From October 1853, to 31st Dec. 1854	40	–	–	–	–	*1*	–	*1*	1	–	–	–	–	–	–	–	–	–	–	*2*	1	3	*5·0*	2·5	Y. M. *8 3*
Year 1855 -	115	–	–	–	–	*2*	1	*10*	7	*5*	2	*1*	3	–	1	–	–	–	–	*18*	14	32	*14·7*	12·1	*7 0*
„ 1856 -	221	–	–	–	–	–	–	*10*	11	*14*	8	*7*	9	*2*	1	–	1	–	–	*33*	30	63	*14·9*	13·5	*6 0*
„ 1857 -	55	–	–	–	–	–	–	–	–	*5*	3	*1*	1	*1*	1	–	2	*1*	–	*8*	7	15	*14·5*	12·7	*5 0*
„ 1858 -	18	–	–	–	–	–	–	–	–	–	–	–	1	–	–	–	1	–	–	–	2	2	–	11·1	*4 0*
„ 1859 -	29	–	–	–	–	–	–	–	–	–	–	–	–	*1*	1	*4*	–	–	–	*5*	1	6	*17·2*	3·4	*3 0*
„ 1860 -	183	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	3	–	5	–	8	8	–	4·3	*2 0*
„ 1861 -	301	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	*2*	10	*2*	10	12	*0·6*	3·3	*1 0*
	962	–	–	–	–	*3*	1	*21*	19	*24*	13	*9*	14	*4*	4	*4*	7	*3*	15	*68*	73	141	*7·5*	7·06	—

J. Jebb, Chairman.

K.

THE following shows PARTICULARS referring to FEMALE CONVICTS.

Year.	Number of Prisoners Licensed.	Period within which the Relapses occurred.		Annual Percentage of Relapses on the whole Number.
		Years.	Months.	
From Oct. 1853 to Dec. 31st, 1854	40	8	3	0·8
Year 1855 - - - -	115	7	0	3·8
„ 1856 - - - -	221	6	0	4·6
„ 1857 - - - -	55	5	0	5·4
„ 1858 - - - -	18	4	0	2·7
„ 1859 - - - -	29	3	0	6·6
„ 1860 - - - -	183	2	0	3·0
„ 1861 - - - -	301	1	0	1·3

As regards the nature of the crimes for which the 68 female convicts had their licences only revoked, and the 73 who have been reconvicted for fresh offences, 127 have been convicted of the lighter offences of larceny, vagrancy, &c., and 14 only of the graver crime of uttering base coin, robbery, &c.

J. JEBB, Chairman.

L.

RETURN of the NUMBER of FEMALE PERSONS sentenced to PENAL SERVITUDE in each Year from 1857 to 1862, inclusive, who have been previously sentenced to Penal Servitude or Transportation, showing the Sentences passed upon Re-conviction.

	Sentences passed on Re-conviction.								
Years -	3	4	5	6	7	8	10	14	Total.
Year.	The Number of Female Persons, sentenced as above, from the Year 1857 to 1862, inclusive.								
1857 -	1	3	—	1	2	—	3	11	21
1858 -	—	4	2	7	2	3	1	—	19
1859 -	—	7	1	7	3	—	2	—	20
1860 -	4	30	4	14	3	—	1	—	56
1861 -	12	29	18	20	5	—	4	—	88
1862 -	15	29	8	16	6	2	4	—	80
	32	102	33	65	21	5	15	11	284

J. JEBB, Chairman.

M.

Payments of Gratuity.

RETURN of INFORMATION, &c., showing the Result obtained relative to Gratuities due to Convicts released by Order of Licence to the 30th June 1862.

Prisons whence Released.	Number discharged.		Number who have applied for Balances, and by whom certified.					Results of Application.		Number who have not applied for Balances, and the Reasons.				No. who left no Balances, and the Causes thereof.	
	On Licence.	Number who have left Balances.	Total Number who have applied.	Clergymen.	Magistrates.	Others.	Paid through the Aid Society.	Satisfactory.	Unsatisfactory.	Total Number who have not applied.	Time for Application not expired.	Other Causes.	Died since Discharge.	Discharged previous to the System of retaining a Portion of Gratuity.	Gratuity falling short of the Regulations, and paid on Discharge.
Portland -	2,583	2,086	1,732	271	260	501	519	1,727	5	354	31	7	–	156	497
Portsmouth -	2,156	1,683	1,381	894	255	232	380	1,369	12	302	67	Nil.	Nil.	126	473
Chatham -	784	733	654	228	61	72	287	648	6	79	32	Nil.	Nil.	Nil.	51
Dartmoor -	2,023	1,323	1,181	712	159	170	140	1,181	Nil.	142	42	100	Nil.	120	580
Woking -	804	207	184	69	20	95	203	184	Nil.	13	10	Nil.	2	Nil.	597
Brixton -	830	551	431	280	99	52	96	431	Nil.	89	31	Nil.	Nil.	Nil.	279
Fulham -	24	262	218	142	5	21	46	214	4	24	7	–	–	–	2
Total -	9,204	6,845	5,781	2,596	859	1143	1671	5,754	27	1003	220	107	2	402	2,479

J. JEBB, Chairman.

Prisons.	Number of Prisoners released on Tickets of Leave in the Year 1862.	Amount of Gratuities paid during the Year 1862.				Number of Instalments, with their Amount in Money, forfeited or not claimed.			
		Amount of Gratuity paid.	Maximum Amount of Gratuity paid to a Convict.	Minimum Amount of Gratuity paid to a Convict.	Average Amount of Gratuity paid.	Number of Instalments paid during the same Period.	Amount of Money forfeited.	Amount of Money not claimed.	Total Amount forfeited and not claimed.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.		£ s. d.	£ s. d.	£ s. d.
Portland	443	3,368 0 4	*14 8 10	2 11 2	7 12 0	1,134	3 4 8	100 17 7	104 2 3
Portsmouth	358	1,768 8 1	17 10 9	1 18 8	8 0 10	655	3 4 8	168 19 7	172 4 3
Bermuda (Released from Portsmouth)		1,111 9 3	17 6 7	2 2 11		283	—	120 9 7	120 9 7
Chatham	306	1,652 8 4	14 11 5	1 18 0	9 6 11	643	12 19 7	27 12 2	40 11 9
Bermuda and Gibraltar (Released from Chatham)		1,208 9 5	†38 7 3	4 0 0		294	8 3 4	13 19 11	22 3 3
Broadmoor	122	795 2 5	13 8 0	4 14 1	6 10 4	281	—	33 16 11	33 16 11
Dartmoor	226	1,313 5 4	12 13 9	0 10 0	5 16 4	496	3 3 0	139 19 3	143 2 3
Woking	117	820 13 5	14 16 1	0 3 6	7 14 7	271	10 12 0	20 5 5	30 17 5
Bermuda and Gibraltar (Released from Woking)		83 13 9	19 18 1	2 8 6		22	—	—	—
Parkhurst	49	154 14 8	7 4 6	1 1 3	3 3 1	85	—	10 18 3	10 18 3
Millbank	144	16 11 5	6 13 9	1 0 0	9 15 2	10	—	—	—
Bermuda and Gibraltar (Released from Millbank)		1,388 15 1	20 10 0	4 0 0		341	—	63 18 11	63 18 11
	1,765	13,681 11 6	—	—	7 15 0	4,515	41 7 3	700 17 7	742 4 10

* It appears from Captain Clay's return, that the Gratuities of the four following prisoners exceeded the usual maximum gained by any prisoner. The Governor has therefore considered them special cases, and not included them in his return, viz.: J. B., £29 5*s.* 6*d.* This prisoner was convicted in 1849, and sentenced to life; he was released in 1862, having served thirteen years in prison with good conduct, gaining at the rate of about £2 5*s.* 0*d.* a year. F. P., £28 4*s.* 6*d.*; T. S., £16 13*s.* 3*d.*; S. L., £22 10*s.* 3*d.* These prisoners were sentenced to transportation for life, and embarked in the "Norwood" convict ship for Western Australia from Chatham Prison and disembarked at Portland, and discharged March 1862, gaining about the same average.

† The £38 7*s.* 3*d.* maximum gratuity paid at Chatham prison arises from the convict J. S., to whom it was due, being a life case, who served upwards of twelve years of his sentence and came home from Bermuda with £28 3*s.* 2*d.* credited to him, having been an exemplary prisoner there; he served since his arrival 119 weeks, for which he earned the additional sum of £10 14*s.* 1*d.*, making the sum of £38 7*s.* 3*d.* There are also included 46 life sentences, who have, by long service and good conduct, earned gratuities averaging £21 each, or at the probable rate of about £2 10*s.* 0*d.* a year.

O.—Statement of Gratuities paid to Female Convicts released in the Year 1862.

Prisons.	Number of Prisoners released on Tickets of Leave in the Year 1862.	Amount of Gratuities paid during the Year 1862.				Number of Instalments, with their Amount in Money, Forfeited or not Claimed.			
		Amount of Gratuity paid.	Maximum Amount of Gratuity paid.	Minimum Amount of Gratuity paid.	Average Amount of Gratuity paid to a Convict.	Number of Instalments paid during the same Period.	Amount of Money forfeited.	Amount of Money not claimed.	Total Amount forfeited and not claimed.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.		£ s. d.	£ s. d.	£ s. d.
Millbank	3	8 11 6	3 11 1	1 8 8	2 17 2	5	—	—	—
Brixton	252	819 12 1	7 9 2	1 0 4	3 5 0	341	1 5 5	91 4 1	92 9 6
Fulham	125	664 18 7	*13 14 1	1 0 4	5 6 4	278	27 1 11	122 10 4	149 12 3
	380	1,493 3 0	—	—	3 18 7	624	28 7 4	213 14 5	242 1 9

* This maximum sum of £13 14*s.* 1*d.*, was due to M, S., sentenced to twenty years' transportation on the 18th March 1854, who was discharged after serving eight years, and averages £1 14*s.* 3*d.* per annum.

P.

Remissions.

RETURN of the NUMBER of CONVICTS sentenced under the Act of July 1857, who have been discharged on Licence from the different Convict Prisons, showing those who have obtained the full Period of Remission; those who have forfeited a Portion of their Remission, and regained any Portion by subsequent good Conduct, and of those who have forfeited the whole by Misconduct, from the 1st January 1860 to August 1862.

—	Total Number of Convicts discharged on Licence.	Number of Prisoners who have obtained Full Period of Remission.	Time forfeited.						Numbers who have regained any Proportion of their Forfeiture by subsequent good Conduct.*	Remarks.
			One Month and under.	Two Months and over One Month.	Three Months and over Two Months.	Four Months and over Five Months.	Above Four Months and under entire Forfeiture.	Entire Forfeiture.		
Portland -	852	482	313	31	8	1	7	10	253	When a prisoner has once forfeited any proportion of the remission, he might have obtained, he can never regain more than $\frac{2}{3}$ of the time so forfeited.
Portsmouth	501	222	208	21	13	4	10	23	162	
Chatham -	561	252	190	38	30	14	11	26	255	
Dartmoor -	403	216	142	27	5	1	9	3	115	
Woking -	389	284	71	18	7	3	1	5	5	
Total -	2,706	1,456	924	135	63	23	38	67	790	

J. JEBB, Chairman.

Q.

RETURN of MALE CONVICTS discharged from the CONVICT PRISONS in the under-mentioned Years on Expiration of Sentence, on Tickets of Leave, or by Pardon.

Years.	Discharged on Expiration of Sentence.	Discharged on Tickets of Leave, One Month or more after the earliest prescribed Period.	Discharged on Tickets of Leave *at* the earliest prescribed Period.	Discharged on Tickets of Leave *before* the prescribed Period.	Discharged by Pardon.
1857 -	401	350	202	39	42
1858 -	1,472	126	89	67	20
1859 -	1,373	55	67	86	6
1860 -	1,251	65	374	104	—
1861 -	632	341	612	60	5
1862 -	134	282	915	37	7
	5,263	1,219	2,259	393	80

R.

RETURN of FEMALE CONVICTS discharged from the CONVICT PRISONS in the under-mentioned Years on Expiration of Sentence, on Tickets of Leave, or by Pardon.

Years.	Discharged on Expiration of Sentence.	Discharged on Tickets of Leave, One Month or more after the earliest prescribed Period.	Discharged on Tickets of Leave *at* the earliest prescribed Period.	Discharged on Tickets of Leave *before* the prescribed Period.	Discharged by Pardon.
1857 -	79	10	47	3	17
1858 -	205	4	5	3	5
1859 -	228	2	12	6	1
1860 -	246	10	143	14	2
1861 -	137	31	243	8	1
1862 -	16	41	331	10	1
	911	98	781	44	27

APPENDIX No. 3a.

PAPERS delivered in by Major-General Sir JOSHUA JEBB, K.C.B.

A.

MEMORANDUM by Sir JOSHUA JEBB on the Subject of CONVICT LABOUR at PORTLAND.

45, Parliament Street, December 30, 1861.

IN my letter of the 24th instant on the necessity of a close adherence to the plan in force at Portland, of convicts working entirely under the direction of their own officers, I pointed out that the present general want of system in the application of labour was mainly to be attributed to the Treasury, and the Admiralty and War Departments in London, not having the means of knowing the great saving which might be effected on suitable works by taking full advantage of it, and that, so long as it was uncontrolled and unaccounted for, it would be considered at head quarters and elsewhere as of nominal value only. I ventured to point out that a first step in remedying a state of things so prejudicial to the public interests, and so unsatisfactory, would be to require, in all cases of important works, an estimate as if for a contract, allowing the convict department to execute such portions of the work as were deemed to be suitable.

In order to support these views, and show the extent and importance of the question, I would now beg leave to give some illustrations deduced from the experience of Portland—1st, in regard to the applicability of the labour, and its value to the Government; and, 2ndly, as to the necessity of a full understanding between the departments concerned, so that co-operation for a common object may be secured.

In considering these points, it must be premised, in reference to Portland, that the Government had determined on the formation of the establishment there for the double object of organizing a comprehensive system of industrial training, and of making an experiment in executing national works by convict labour.

The experience, therefore, of 13 years at Portland should show not only a definite result unattainable in the dockyards, but be a safe guide for the future.

Previous to entering upon calculations and statements of expense, it may be convenient briefly to explain the course of proceeding in carrying on the works.

1st. In regard to the rough deposit of the breakwater, which is the leading item, the stone has to be quarried and loaded. It is in this process that most

of the plant (consisting of machinery, tools, rails, &c.) furnished by the Admiralty is required.

2nd. After being loaded, the iron waggons are drawn out of the quarries by horses, and being coupled together and formed into a train, are taken by locomotive engines over a plateau covered by railroads to the weighbridge. This is termed haulage.

3rd. The trains, after being weighed, are lowered by ropes on a succession of inclined planes to the level of the breakwater, and thence are taken by locomotive engines along the stage which has been constructed its entire length to where the stone is required to be tipped into the sea. This delivery has been executed under a contract on a scale of prices, varying with the quantity sent down from the weighbridge, whilst the quarrying and haulage has been mainly performed by convicts working under their own officers.

With a view to explanations, each of these operations may be made the subject of a separate charge.

1st. For quarrying and loading.

2nd. Haulage to the weighbridge.

3rd. Delivery by a sliding scale of prices.

As already explained, the only expense to the department receiving the labour is the outlay necessary for providing tools, implements, and machinery, termed plant, wherewith to apply it.

From first to last the rough deposit required for the breakwater may be estimated at five millions of tons. The cost chargeable to the Admiralty for plant furnished to the convict department for what they have quarried may have averaged about 2*d.* or 2½*d.* a ton, and the haulage by horses and locomotive engines from the quarries to the weighbridge, may be taken at an equal amount, say 5*d.* a ton on an average for the two items of quarrying and haulage.*

This charge against convict labour has to be compared with a contract for similar work executed by free labour.

The only contracts which have been entered into for the excavation of quarrying and loading are those from the south ditch of the fortifications at the Verne, and the more recent one of August 1859 for excavating the south-west and western ditch in continuation of it.

The terms of the first contract were at 1*s.* 1*d.* per ton (which is stated to have been more advantageous to the government than to the contractor).

The terms of the second contract for the west and south-west ditches was 1*s.* 5*d.* a ton, in addition to payment for a railroad by which to gain access from the north end of the ditch to the weighbridge.

In order to give an approximate estimate applicable to the three ditches, it may be assumed in round numbers that there were 400,000 tons in the south ditch, and 800,000 tons in the western ditches.

	£
400,000 at 1*s.* 1*d.* - - - - -	21,666
800,000 at 1*s.* 5*d.* - - - - -	56,666
Add for railroad, say - - - - -	2,500
Total - -	£80,832

This work would have been executed by convict labour as follows :—

	£
1,200,000 at 6*d.* - - - - - -	30,000
Railway, say - - - - - -	1,250
Total - -	£31,250

Difference 49,582*l.* or a saving of about 9*d.* a ton.†

This however is not all.

The contents of the ditches had to be delivered into the sea.

* With a more complete control on the part of the Prison Department this might have been reduced to about 4½*d.* or 5*d.*

† It may be mentioned that each penny affecting the contract price will cause a difference of about 5,000*l.* on these quantities.

Under the contract for the west and south-west ditches at 1*s.* 5*d.*, the contractor had a certain time allowed for the execution of the work which would have admitted of a monthly rate of delivery, for which he would have been entitled, by the terms of this sliding scale (annexed) to charge about 7½*d.* together with 1½*d* for repairs of the stage, making 9*d.* a ton in addition to 1*s.* 5*d.* or 2*s.* 2*d.* on the whole.

This charge for delivery only applied to the western ditches, say 800,000 tons.

2nd. A proposition was submitted to the Admiralty in November 1858 by which the whole of the quarries brought into working order during the preceding ten years by the convicts, with the entire plant previously charged, machinery, shops, railroads, waggons, &c., were to have been delivered over to the contractor who had offered to work the quarries and the western ditches at 1*s.* 10*d.* a ton, including delivery into the sea. This tender would have included the whole of the western ditches, and all the stone sent from the quarries during the last three years, or to be sent till the completion of the works. In round numbers it may be assumed that 1,500,000 tons would have been subject to it. As all the plant had been previously charged to the convicts and everything was in perfect working order, and as there were other charges due, 2*s.* 1*d.* a ton would be but a moderate amount for comparison. Let, however, 2*s.* only be taken. This on 1,500,000 tons would have entailed an expense of 150,000*l.*

Now the delivery of stone from the weighbridge to the sea by the Convict Department, taken at a rate of about 40,000 tons a month, would not have cost more than 4*d.* a ton. This item therefore has to be added to the expense of quarrying and haulages, which, as before explained, was 5*d.* Assuming even that the expense incurred in quarrying and haulage and delivery into the sea had been as much as 10*d.* a ton, a saving of 1*s.* 2*d.* a ton on the foregoing quantity would have amounted to 78,500*l.*

3rdly. I would mention the casemates at the Verne erected by convict labour, and state my conviction that the expense chargeable to the War Department after deducting the present value of the plant has not been more than one half the adjoining range executed by contract.

These are all hard dry facts referring to isolated portions of work, and capable of proof.

In applying the same data on a more extended scale, with a view to gain an insight into the probable difference of expense in undertaking works of equal magnitude at other places by convict labour, some caution is necessary in fixing the prices under the different heads of quarrying, haulage, and delivery, for it is only when we come to reckon tons by the million that the real value of pence and farthings becomes apparent.

It is very probable that a contractor undertaking the work from the commencement might have offered lower terms than 1*s.* 1*d.* or 1*s.* 5*d.* for the quarrying and haulage. In a recent discussion 11*d.* has been stated as a probable amount, but of this no work executed at Portland affords evidence; it cannot therefore be admitted without a question. A more safe basis for calculation would be found in the offer of the contracter to execute all that has been going on during the last three years at 1*s.* 10*d.*, including the delivery into the sea, which, with the advantage to be placed in his hands, should be taken at 2*s.*, or, in the contract for the west ditches, which, as already explained, amounted, with the delivery into the sea, to 2*s.* 2*d.*

On the whole I am under the impression that 1*s.* 8*d.* would be more than an approximate average for the whole work. A reference to the earlier contracts for the incline, and to another for getting stone under the hill, will support this view. Experience will justify me in saying that the cost of this work, in the hands of the Convict Department would not have exceeded 8*d.* to 10*d.* Taking the average price of 9*d.* there would, therefore, have been a difference of 11*d.* a ton on stone quarried and delivered into the sea. This on five million tons, would have effected a saving of nearly 230,000*l.* exclusive of the squared stone, which may be estimated at 50,000*l.* more. All this, too, exclusive of the saving effected on the ramparts, magazines, casemates, reservoirs, batteries, roads, &c. already completed or remaining to be executed for the War Department by convict labour.

The considerations to which I have adverted, will, I think, afford grounds

for the belief that on any extensive or suitable work a saving of one half the expense may be secured by furnishing to the Convict Department the plant necessary for executing it, and by such means, nearly the entire cost of maintenance (which, under any circumstances, must be defrayed) will be covered. The foregoing may be taken as an illustration in support of the views I have ventured to submit. I would now advert to the course which experience would lead me to recommend on future occasions, retaining, however, Portland as an example in order to show the advantages, &c., that would have resulted from a comprehensive view of the whole operation, in order to secure the united efforts of three departments upon the great national works that were proposed to be executed.

The plans of the breakwater and fortifications would have been fully considered, and as it would have been laid down that the works were to be executed entirely by convict labour, a prison for 800 or 1,000 men would have been commenced in 1848 and occupied early in 1850.

"500 men could have been employed at once on the incline,* &c., and the remainder in clearing the quarries, erecting the shops, and making other preliminary arrangements.

"At the expiration of about two years, the incline would have been complete, and buildings for 600 or 800 additional men ready, and at that period, say spring 1852, the working parties would have commenced in good earnest.

"Assuming that there were 4,600,000 tons to be deposited, 500 men would have been employed upon the main ditches, and 500 in the quarries, leaving 600 or 700 disposable for squaring stone and other work.

"The quarrying parties at two or two and a half tons a man, would have sent down 2,500 tons a day; at this rate the whole quantity might, if necessary, have been deposited in seven or eight years, more or less, according to the number employed."

What is infinitely of greater importance, however, is that the main ditch ramparts of ths fortress on the Verne might have been completed in the spring of 1858, instead of being scarcely commenced at that date.†

If it be asked, why was this not done? the reply is, that so far as the works were concerned, a narrow view was taken by every department concerned, and there never was any sufficient understanding as to how the objects of each department could be best secured; there was co-operation in details, but no general plan.

1st. It was an object with the Convict Department that so admirable a situation for the purpose of industrial training should continue to afford a supply for as long a period as possible. It was on a distinct assurance that it would do so, for at least 20 years, that the establishment was increased, in 1853, from 800 to 1,500.

2nd. The Admiralty Department had a perfect right, under the circumstances, to claim all the labour not required for the prison, and they did so.

3rd. The War Department anxious to press forward the defensive works entered into contracts for the south and south-west ditches, when if convict labour, with the consent of the Admiralty, had been withdrawn from the quarries and the contents of the ditches had been sent to the breakwater (as they have during the last twelve months), the breakwater and the fortifications would have made progress simultaneously, and there would have been no necessity to seek for authority for extending the breakwater in order to find a place of deposit. As it is, the excavation in the quarries has been of late years worse than useless for defensive purposes. In fact, the levelling, rather than the excavation, of a large portion would have made a better glacis.

As a general principle too, it would have been laid down by the authorities in London that no contract whatever should be entered into for work which could have been executed by convict labour. This would have included almost everything that has been done at Portland, excepting where the services of divers were required.

If it be assumed that the work would have been delayed, this would have resolved itself into a limited question of time, which, at the period the works

* Which was executed by contract.

† Even with all the disadvantages of having to attend to demands for convicts for squaring stone, which diminished the men in the quarries to about 750, the average quantity during the years, from 1854 to 1856, was 37,500 tons a month, and during the three following years 40,500.

were commenced did not press, or it would have been met by an increase in the establishment. Though convicts cannot work with the navvies, two convicts to one free man will get through almost any kind of work, not decided by skilled labour, on equal terms.

Though an entire revolution has been made in the discipline and management of convicts during the last 12 or 15 years, and though at Portland beneficial changes in the industrial training of the men have been effected, no comprehensive or corresponding change has been made in the application of labour. When the subject is duly considered its importance will be recognized, for it is an essential element in the solution of the convict question in which the public interests are really more involved than those of any of the departments who take their share in working it out.

J. Jebb,
Major-General, R.E.

Letter from the Lords of the Treasury on the subject of the application of Convict Labour.

Sir, Treasury Chambers, October 4, 1862.

I am directed by the Lords Commissioners of Her Majesty's Treasury to acquaint you for the information of Secretary Sir George Grey, that my Lords have perused with much interest the communications transmitted to this Board some time ago, with reference to the application of Convict Labour to Public Works.

Although it is scarcely within the province of this Board to express an opinion on the points under discussion between the War Department and the Chairman of the Directors of Convict Prisons with reference to the relative position of the officers of the Royal Engineers and those of the Convict Department in the superintendence and direction of convict labour on public works, their Lordships cannot forbear observing that there seems much force in the remark that convicts are as much undergoing their proper discipline when employed on public works as at any other time, and having regard to the moral and social advantages of the system now pursued of combining discipline and industrial training, it appears desirable that neither the convicts nor those whose immediate duty it is to keep up the prescribed discipline should receive orders except from the prison authorities.

With reference to the part of the subject which appertains more properly to this Board, it is satisfactory to my Lords to find that the labour of convicts has proved so valuable, and their Lordships trust that every department of Government having the opportunity of using it will see the importance of utilizing it as much as possible.

My Lords concur with Sir Joshua Jebb in considering it desirable that means should be taken with a view to the better appreciation of convict labour, and they suggest for the consideration of Sir George Grey in order that an approximate estimate might be formed of the saving effected, or value rendered to the public by convict labour in return for the heavy charge of maintaining the convict establishments, that it would be advisable in any case where the Secretary of State for War or the Lords Commissioners of the Admiralty may be of opinion that a work about to be undertaken, or any portion of it, may be advantageously executed by the Convict Department, an estimate of such work should be made, such as might be supposed to be its cost if executed by a contractor—that the estimate with a specification of the work should be sent to the Chairman of the Directors of Convict Prisons—and that in the event of his accepting the execution the specification and estimate should be recorded.

Any further or more detailed account would probably be unnecessary—the estimate would be sufficient as a record of the value of the work undertaken, and it would be the duty of the officers of the Royal Engineers under the War Department, to see, as they do in the case of ordinary contractors, that the work undertaken is properly executed. My Lords see this further advantage in the course which they suggest as preliminary to the employment of convict labour, viz., that it would operate as a check against its possible misapplication to purposes not sanctioned by the proper authorities.

I am, &c.

H. Waddington, Esq. (Signed) George A. Hamilton.

Mode of recording Convict Labour at Portland.

B.

Statement of Value of the Prisoners' Labour, the Average Number of Working Hours in each Quarter, and the Aggregate Number of Days' Work done throughout the Year 1860.*

Description of Work.	Periods. From	Periods. To	No. of days on which employed.	Average No. of Men employed.	Average No. of Hours' Work in each Day.	Total No. of Hours and Days employed.	Value of Labour. Daily Rate.	Value of Labour. Amount.
Admiralty:	1860.	1860.			H. M.	H. M.	*s.* *d.*	£ *s.* *d.*
Quarrying, loading, forming roads, excavating, working travelling cranes and general work	2 Jan.	31 Mar.	78	507	7 18	288,685 45		
	2 April	30 June	77	388	7 34	226,061 44		
	2 July	29 Sept.	78	218	8 00	136,032 00		
	1 Oct.	31 Dec.	78	162	6 24	80,870 24		
					8 16	731,649 53		
						88,506 0	2 2	9,588 3 0
Blacksmiths, Fitters, Moulders Turners, Pattern Makers, &c.	2 Jan.	31 Mar.	78	44½	8 2	27,883 42		
	2 April	30 June	77	35	8 43	23,491 25		
	2 July	29 Sept.	78	24½	8 43	16,657 33		
	1 Oct.	31 Dec.	78	28	7 36	16,598 24		
					8 16	84,631 4		
						10,237 6	3 2	1,620 19 5¼
Stonecutters	2 Jan.	31 Mar.	78	102½	7 18	58,363 30		
	2 April	30 June	77	117	7 34	68,168 6		
	2 July	29 Sept.	78	132	8 00	82,368 00		
	1 Oct.	31 Dec.	78	241	6 24	120,307 12		
					8 16	329,206 48		
						39,823 4	2 8½	5,392 15 3
Admiralty Verne Ditch:								
Quarrying, loading, forming roads, excavating, and general work	2 April	30 June	18	404	7 31	54,661 12		
	2 July	29 Sept.	78	441	8 00	275,184 00		
	1 Oct.	31 Dec.	78	455	6 24	227,136 00		
					8 20	556,981 12		
						66,837 6	3 0¼	10,095 5 7¼

STATEMENT of the VALUE of LABOUR performed for the Works of the Breakwater by the Convicts in the Year 1860.

Nature of Work.	Quantities and Description of Work.	Price.			Amount.		
		£	s.	d.	£	s.	d.
Quarrying and loading stone; dressing and scabbling ashlar; excavating, &c.; smiths', moulders', fitters', turners', pattern makers'. and carpenters' work, in making quarry tools, machinery, sharpening and repairs of all implements, iron waggons, &c.; making crossings, plate laying; forming and maintaining roads; repairs and fixing machinery; stripping quarries, &c. Contractors' prices (labour only).	70,112 tons of stones, from 6 tons to 10 cwt. - -	0	1	6	5,258	8	0
	107,420 tons of rubble stone -	0	0	7	3,133	1	8
	10,679½ tons of whited blocks, from West quarries, quarried, and delivered in stone fields - - -	0	3	6	1,868	18	3
	5,562½ tons of roach blocks, from West quarries, quarried, and delivered in stone fields - - -	0	3	6	973	7	10½
	1,708 tons of roach blocks, from Weycroft quarries, quarried, and delivered in stone fields - - -	0	3	6	298	18	0
	1,764 tons of whitbed, scabbled to moulds for Devonport -	0	4	0	352	16	0
	11,740 tons of whitbed blocks, scabbled to mould and sizes for War Department, and delivered at the Verne -	0	4	6	2,641	10	0
	278 tons of whitbed blocks, rough loading only -	0	0	2	2	6	4
	57 tons of whitbed blocks from stock, loading only -	0	0	2	0	9	6

STATEMENT of the VALUE of LABOUR performed for the Works of the Breakwater by Convicts in quarrying and excavating the Ditches at the Verne, at the price agreed to be given to the Contractor, in the Year 1860.

——	Quantities and Description of Work.	Price.	Amount.		
			£	s.	d.
	190,168½ tons of rock quarried, loaded, and hauled to the weighbridge, &c. - -	At 1s. 6½d. per ton.	14,658	16	5¼
	Deduct the estimated cost of plant, haulage, and superintendence - - -	- -	3,169	9	6
	Total - -	- -	11,419	6	11¼

The above shows a clear gain to the Admiralty of 11,489*l.* 6*s.* 11¼*d.* in about seven months, by a daily average of 375 convicts, which amount would be paid to the contractor had not the work been executed by convicts.

ABSTRACT of LABOUR of the CONVICTS in Portland Prison in the Year 1860, and the TIME occupied therein (the Average Daily Number of Prisoners being 1,508).

Trade or Occupation.	Average No. of Men.	Time actually employed. Number of Hours.	Time actually employed. Number of Days.	Valued at	Amounts.	Total.
			Days. Hrs.	s. d.	£ s. d.	£ s. d.
ADMIRALTY QUARRIES:						
Quarrymen, &c.	319	731,649	88,506 0	2 2	9,588 3 0	
Blacksmiths, fitters, &c.	33	84,631	10,237 6	3 2	1,620 19 5½	
Carpenters and sawyers	11	29,858	3,611 7	2 6	451 9 7½	
Stone-cutters, &c.	148	329,206	39,823 4	2 8½	5,392 15 3	
Plate-layers (railway)	20	45,657	5,523 1	2 6½	696 2 9½	
Riggers	6	12,591	1,523 1	3 0	228 9 4½	
						17,977 19 5½
ADMIRALTY VERNE DITCH:						
Quarrymen, &c.	248	556,981	66,837 6	3 0¼	10,095 5 7¼	
Blacksmiths, fitters, &c.	14	35,801	4,296 1	3 2	680 4 4½	
Carpenters and sawyers	5	13,302	1,596 2	2 6	199 10 7	
Plate-layers (railway)	9	21,206	2,544 7	2 6½	320 15 1½	
Riggers	5	10,754	1,290 4	3 0	193 11 5	
						11,489 7 1
WAR DEPARTMENT:						
Quarrymen	24	56,181	6,796 1	2 2	736 4 11	
Excavators, &c.	203	463,985	56,127 2	2 0	5,612 14 5½	
Stone-cutters	36	82,813	10,017 6	2 10	1,419 1 10½	
Bricklayers and masons	16	36,063	4,362 5	3 0	654 7 9½	
Labourers	29	67,330	8,144 7	2 0	814 9 8½	
Plate-layers (railway)	1	2,994	362 2	2 6½	45 13 1½	
Blacksmiths	7	16,824	2,035 1	2 9	279 16 7	
Carpenters and sawyers, &c.	14	33,571	4,061 1	2 6	507 12 9½	
						10,070 1 3½
PRISON:						
Carpenters and sawyers	7	18,275	2,210 7	2 6	276 7 1½	
Painters	6	16,827	2,035 5	2 6	254 9 0	
Blacksmiths	12	29,590	3,579 4	2 9	492 3 7	
Gardeners	5	12,230	1,479 4	1 6	110 19 2½	
Stone-cutters	3	8,338	1,008 6	2 10	142 18 0	
General prison labour, including men at light work, &c.	37	85,122	10,297 0	1 4	686 9 8	
						1,963 6 6¼
Shoemakers	27	68,396	8,273 6	1 3	517 2 1½	
Tailors	23	58,232	7,044 3	1 3	440 5 5½	
Washers	22	55,870	6,758 5	1 3	422 8 3	
Bakers	10	24,655	2,465 5	1 6	184 18 3	
Cooks	17	60,850	6,085 0	1 6	456 7 6	
Unproductive employment, school, sick, punishment, &c.	191	817,517	91,888 2	—	—	2,021 1 7¾
Total		3,887,299	460,824 5			432 1 16 0

Average daily number of men throughout the year —Breakwater, Admiralty Quarries - 537
" " " " " Verne Ditch - - 281
" " " " War Department Works - - 330
" " " " Prison works - - - 169
Non-effective (school 130, sick 44, under punishment 14, new arrivals, and detained by visits, &c. 3) - - - - - - - - - - - - 191
Total - - - 1,508

ABSTRACT.

	Days.	s. d.		£ s. d.
Admiralty work, Quarries	149,225½	at 2 5	nearly	17,977 19 5½
" " Verne Ditch	76,565½	" 3 0	"	11,489 7 1
War Department work	91,907	" 2 2½	"	10,070 1 3¾
Prison "	51,238½	" 1 6½	"	3,984 8 2
Total				£43,521 16 0
Admiralty works, Quarries, Verne Ditch, War department, Prison	363,936 days at 2s. 4¼d. nearly			£43,521 16 0

Return of Employment of Convicts in Portland Prison for the Week ending July 14, 1860.

General Occupation.	Daily Average Number.		Particulars of Prison and War Department Labour.	Daily Average Number.
Admiralty working parties	—	817	Gardeners	6
Prison and War Department Works (as detailed opposite)	349		Under medical treatment on light work:—	
Painters	10		Cleaning prison	20
Carpenters	8			
Blacksmiths	11		Sawing stone	14
Shoemakers	27			
Tailors	22		Quarrying and dressing stone, excavating foundations, and building casemate barracks, and forming roads for War Department	309
Cooks	16			
Bakers	10			
Stonecutters	3			
Washers	21			
		477		
Sick and unfit for labour, and not told off to parties	53			
School	127			
Under punishment	16			
		196		
Total number in the prison	—	1,490		
Time lost by bad weather: Admiralty work	32½			
War Department	9½			
Prison	2			
Not told off to parties	6			
		50		
Reducing the daily average to	—	1,440	Total	349

Detail of Admiralty Work.

Quarrying and loading stone	509
Stripping rock and forming roads	42
Dressing and scabbling ashlar blocks	106½
Squaring large blocks of roach	12⅔
Blacksmiths, founders, fitters, &c.	45⅔
Carpenters and sawyers	15⅔
Plate-layers (railway)	31⅙
Attending points	12
Riggers	10⅔
Unloading stone	10
Breaking stone	22⅚
Total	817

Number of Prisoners Sick on Saturday last.

In infirmary	57½	66
In cells temporarily	8½	

Detail of Quarry Work.

From 6 tons to 4 tons	69⅓	343
„ 4 „ 2 „	95⅔	
„ 5 „ 2 cwt.	178	
Below 2 cwt.		1,376⅚
Ordinary foundation, concrete flat-bedded stone, rough dressed, with lewis holes, dressed wallers, and rubble special selected		42
Average quantity of stone sent to the Breakwater daily		1,761⅚
Being a daily average of 212 tons per hour of actual work.		
Whitbed and roach quarried daily, and not sent to Breakwater		48
Total		1,809⅚

Memorandum.

Quarrying and loading stone, Verne Ditch	380½	449½
Plate-layers and riggers	22	
Workshops, roads, &c.	38	

Average quantity of stone sent from Verne Ditch, 1,364 tons.

C.

LETTER from REAR-ADMIRAL HASTINGS (late Superintendent of Clarence Yard, Gosport, and Haslar Hospital) to the GOVERNOR of the CONVICT PRISON at PORTSMOUTH, expressing his APPROVAL of the WORK done by the CONVICTS.

SIR, Royal Naval Hospital, Haslar, May 2, 1863.

I cannot resign the position of Superintendent of Clarence Yard and Haslar Hospital, which I have held for nearly five years, without expressing my unqualified approbation of the admirable manner in which the public works and duties of these establishments have been performed by the officers and convict parties under your command, and I would more particularly mention the works connected with Haslar sea breakwater, plantings and pruning of the cemeteries, Haslar Asylum boundary, fences and roads, and the general duties of the Clarence Yard.

During that time I can truly say I have never had occasion to make a single complaint, and have met the utmost readiness from all the chief warders and warders in their respective departments; and I would desire to mention more particularly the present Acting Principal Warder, Lovegrove, at Haslar, who I beg to recommend to your favourable notice as an attentive, zealous officer.

I am, &c.,

(Signed) GEORGE HASTINGS, Rear Admiral,
Late Superintendent of the Royal Clarence Yard
and Royal Naval Hospital at Haslar.

Captain Rose, Governor, Convict
Establishment, Portsmouth.

APPENDIX No. 3 b.

PAPERS delivered in by Major-Gen. Sir JOSHUA JEBB, K.C.B.

A.

Call the attention of Sir J. Jebb to the House of Commons, No. 125 of 1861, ("Convict disturbances, Chatham,") and ask him to explain how it has happened that men of bad conduct have, in several cases, obtained large gratuities—some larger than men of good conduct who had served longer or nearly as long as themselves. Refer especially to No. 2,270, p. 4. To the two men (also p. 4) Nos. 2,306 and 2,308, sentenced within four days of each other, of whom the one whose conduct had been "very indifferent" had a gratuity of 7*l.* 5*s.* 3*d.*, and the one whose conduct had been very good had only 5*l.* 16*s.* 0*d.* A similar comparison between Nos. 2,992 and 2,993, and between 3,125 and 3,126, p. 7.

(Signed) GREY.

SIR, 45, Parliament Street, March 9, 1863.

I BEG leave to submit the explanation of Captain Powell respecting the gratuities of certain of the convicts who were at Chatham at the time of the outbreak, as referred to in the enclosed memorandum from Earl Grey.

I also enclose a copy of the regulation respecting gratuities, with a memorandum showing the principle on which it is considered right to make a distinction between conduct and industry, which will be found more fully described at page 38 of the extracts. I am, &c.

J. F. Kent, Esq., &c. (Signed) J. JEBB.

P.S. The scale of gratuities was subsequently approved by the Secretary of State, as per enclosed printed form.

1. No. 2,270—J. M., convicted April 3, 1857. This prisoner, though a bad prison character, was very good at work, and had been 11 months longer on public works than Nos. 2 and 3. Nearly the whole of his gratuity was afterwards forfeited for bad conduct.

2. No. 2,306—J. L., convicted April 1, 1858. This prisoner, though a very indifferent prison character, was also very good at work, and brought 14*s.* 3*d.* earnings from separate confinement. A considerable portion of this man's gratuity was afterwards forfeited for misconduct.

3. No. 2,308—R. O., convicted April 5, 1858. This prisoner did not bring any earnings from separate confinement. Shortly after his arrival his conduct was indifferent, but for nearly one year and a half previous to the outbreak his conduct had been very good, and he was therefore given the benefit of that character.

4. No. 2,992—W. K. J., convicted June 30, 1859. This prisoner brought 5*s.* earnings from separate confinement, but though believed at the time to be a much better prison character, his conduct at work was not quite so good as No. 5.

5. No. 2,993—H. G., convicted June 28, 1859. This prisoner brought 8*s.* earnings with him from separate confinement, and his character for work was very good.

6. No. 3,125—W. S., convicted October 10, 1859. This prisoner's earnings were wrongly calculated, and should have been shown to have amounted to 1*l.* 15*s.* 3*d.* only, instead of 2*l.* 2*s.*

7. No. 3,126—S. B., convicted July 25, 1859. The earnings of this prisoner should have been shown to have amounted to 2*l.* 1*s.* 3*d.* instead of 2*l.* 0*s.* 3*d.*

(Signed) T. Folliott Powell,
Chatham Prison, March 5, 1863. Governor.

Gratuities.

The scale of gratuities, as it exists, recognizes the claims of conduct rather than work. But as the different stages and the remission may provide a sufficient stimulus to good conduct, the gratuity might perhaps now be chiefly decided by industry.

The third-class men receive 4*d.* per week for conduct, irrespective of work; could they be deprived of that with advantage, and only receive what they earned by work?

Would the following scale be better adapted for the double object of promoting good conduct and industry than that now established?

Work.

V.G.	9*d.*
G.	6*d.*

Conduct.

1st class	6*d.*
2d „	4*d.*
3rd „	nil.

(Signed) J. Jebb.

B.

Additional Questions to be put to Sir Joshua Jebb.

The Commissioners have been informed that by a recent regulation the power of inflicting corporal punishment on convicts, entrusted to the directors, has been restricted, both by diminishing the number of lashes that can be given, and by substituting a less severe cat for that formerly used;

Will you furnish to the Commissioners a statement explaining the change that has been made, and showing when and by what authority it was introduced?

Will you inform the Commissioners what is your own opinion as to the propriety of the change thus made?

It has been given in evidence that the governors of the convict prisons have no authority to inflict corporal punishment on convicts, and that this kind of punishment can only be ordered by one of the Directors of Convict Prisons;

Do you consider that this regulation allows corporal punishment to be inflicted with the promptitude necessary for its efficiency, especially in the convict prisons at a distance from London?

Can you furnish an account of the cases in which violence has been attempted by convicts within the last five years, against their officers or against fellow-

convicts; showing what punishment has in each case been inflicted on the convict so offending?

Are you of opinion that in cases of violence of this description it would be desirable that severe corporal punishment should be promptly inflicted on the offender?

GREY.

REPLIES to QUERIES by EARL GREY.

1st. When convicts were confined in hulks, everything connected with the naval service was in use; but as they were successively removed into prisons at Portland, Portsmouth, and Chatham, on shore a diversity of practice prevailed in regard to the infliction of corporal punishment.

The naval cat was used in some establishments, and the army cat in others.

The subject of the one being more severe than the other was not even known by me.

I believe that the difference is less in the instrument itself than in the ability of the officer to make use of it.

In regard to the number of lashes, the directors, up to the 29th April 1862, had the power, after inquiry upon oath, to order the infliction, under the rules of 1846, of 36 lashes.

The correspondence respecting the reduction to 24 lashes is annexed.

2nd. With respect to my opinion of the change, it may be inferred, from the terms in which I acquiesced in the proposition for diminishing the power of the directors, that I was not desirous of a change. Still, however, I did not consider it a duty to press my opinion, because it certainly would appear in some respects very desirable that the practice in county prisons and convict prisons should be assimilated.

3rd. With respect to the evidence, that the governors of convict prisons have no authority to inflict corporal punishment on convicts, which can only be ordered by one of the directors, &c., I would state my opinion that at the distant establishments of Dartmoor, Portland, and Portsmouth, it is a serious inconvenience to require the personal attendance of a director to investigate cases and adjudicate thereon; and as there is only one director for all public works prisons, containing 5,076 prisoners, it is impossible to carry into effect a sentence with the promptitude which is necessary for its efficiency; and I am of opinion that in cases of violence, as referred to by Earl Grey in his last query, it would be most desirable that severe corporal punishment should be promptly inflicted on the offender.

It has frequently occurred to me that it would be very desirable to follow the course so long in operation in Ireland, of having a local inspector on the spot.

4th. I submit an account of the crimes of violence attempted by convicts within the last five years, against their officers or against fellow-convicts; showing what punishment has in each case been inflicted on the convict so offending, and have delayed this communication in order to receive the full particulars.

45, Parliament Street, March 1863. J. JEBB.

SIR, Whitehall, March 24, 1862.

I AM directed by Secretary Sir George Grey to inquire whether there are not rules in force regulating corporal punishment in convict prisons, and if so, what they are?

I am, &c.

Maj.-Gen. Sir J. Jebb, K.C.B. (Signed) H. WADDINGTON.

SIR, 45, Parliament Street, March 26, 1862.

IN reply to your letter dated the 24th inst., inquiring, by direction of Secretary Sir George Grey, whether there are not rules in force regulating corporal punishment in convict prisons, and, if so, what they are, I beg to annex a copy of rules relating to corporal punishment for the Millbank prison, which were approved of by Sir George Grey on 20th November 1846, and are now those acted upon in all the male convict prisons.

I am, &c.,

H. Waddington, Esq. (Signed) J. JEBB.

RULES relating to CORPORAL PUNISHMENT.—Approved by Sir G. GREY, November 20, 1846.

1st. The following offences, committed by adult male prisoners, that is, prisoners of 18 years of age and upwards, will render them liable to corporal punishment:

Mutiny, or open excitement to mutiny in the prison, personal violence to any officer or servant of the prison, or to a fellow-prisoner, or threats of such violence, grossly offensive or abusive language to any officer or servant of the prison.

Wilfully or wantonly breaking the prison windows, or otherwise destroying the prison property.

When under punishment in a dark, refractory, or ordinary cell, wilfully making a disturbance tending to interrupt the order and discipline of the prison; any other act of gross misconduct or insubordination requiring to be suppressed by extraordinary means.

2nd. In the case of juvenile prisoners corporal punishment may be inflicted for any repeated offence against the rules of the prison, or for any greater offence than the governor is empowered adequately to punish.

3rd. Corporal punishment shall in no case be awarded until after an inquiry upon oath, and in the presence of the prisoner, into the circumstances of the case. Full particulars of the inquiry shall in each case be entered in the directors' minute book.

4th The order for punishment shall be entered in the directors' order book, and the number of lashes to be inflicted shall in all cases be stated in such order.

5th. In no case of corporal punishment shall the number of lashes inflicted on an adult prisoner exceed *thirty-six*, or on a juvenile prisoner *twenty*.

6th. Corporal punishment in the case of adult prisoners to be inflicted *with a cat*, and in the case of juvenile prisoners with a *birch rod;* the instruments, in both instances, to be previously approved by the *directors*.

7th. The governor shall attend all corporal punishments, and shall enter in his journal the day and hour at which the punishment was inflicted, the number of lashes given, and any orders which he or the medical superintendent may give on the occasion.

8th. The governor *shall have power to remit any* portion of the number of lashes awarded, after the infliction of *two-thirds* of the sentence.

9th. The medical superintendent shall attend all corporal punishments, and his instructions thereon, for preventing injury to health, shall be obeyed.

10th. In every case before corporal punishment is inflicted the medical superintendent shall ascertain that the prisoner is in a fit state of health to undergo the punishment.

SIR, Home Office, April 5, 1862.

HAVING laid before Secretary Sir George Grey your letter of the 26th ultimo, regarding the rules in force for regulating corporal punishment in convict prisons, I am directed to acquaint you that it appears to him that the number of stripes should be reduced, for adults to 24, and for juveniles to 12, as in the regulations recently approved for county prisons, and to inquire whether you see any objection to such a reduction.

I am, &c.

Maj.-Gen. Sir J. Jebb, K.C.B. (Signed) H. WADDINGTON.

SIR, 45, Parliament Street, April 14, 1862.

I HAVE to acknowledge the receipt of your letter of the 5th instant, inquiring for information of Secretary Sir George Grey, with reference to the rules in force for regulating corporal punishment in the convict prisons, whether I see any objection to reduce the number of stripes for adults to 24, and for juveniles to 12, as in the regulations recently approved for county prisons, in reply, I beg to state that a reduction in the number of lashes would operate, to some extent, prejudicially, in depriving the governor of the power of remitting any part of the corporal punishment exceeding 24 lashes.

If, however, Sir George Grey is desirous of reducing the number of lashes to 24 for adults and 12 for juveniles, I do not anticipate that it is a question of vital importance to the preservation of discipline.

I am, &c.

H. Waddington, Esq. (Signed) J. Jebb.

Sir, Whitehall, April 29, 1862.

Having laid before Secretary Sir George Grey your letter of the 14th instant, upon the subject of the infliction of corporal punishment in convict prisons, I am directed to acquaint you that he is of opinion that in the case of adults the number of stripes to be inflicted should be reduced to 24, and in that of juveniles to 12, in order that there should be uniformity in the regulations relating to corporal punishment in all prisons.

I am, &c.

Maj.-Gen. Sir J. Jebb, K.C.B. (Signed) H. Waddington.

Sir, 45, Parliament Street, May 5, 1862.

With reference to your letter upon the subject of the infliction of corporal punishment in convict prisons, I beg to submit for Secretary Sir George Grey's consideration, a copy of the rules which have been in use at Millbank prison, and which were authorized by the Secretary of State, 20th November 1846, and to request the sanction of Sir George Grey for their use in the different public works prisons, altering the number of lashes from 36 to 24 for adults, and from 20 to 12 for juveniles, as authorized in your letter of the 29th April last.

I am, &c.

H. Waddington, Esq. (Signed) J. Jebb.

Convict Prisons.—Rules relating to Corporal Punishment, approved by Sir George Grey, May 10, 1862.

Male Convicts.

The following offences committed by adult male prisoners (that is, prisoners of 18 years of age, and upwards) will render them liable to corporal punishment.

1st. Mutiny, or open incitement to mutiny in the prison; personal violence to any officer or servant of the prison, or to a fellow-prisoner, or threats of such violence; grossly offensive or abusive language to any officer or servant of the prison.

2nd. Wilfully or wantonly breaking the prison windows, or otherwise destroying the prison property.

3rd. When under punishment in a dark, refractory, or ordinary cell, wilfully making a disturbance, tending to interrupt the order and discipline of the prison; and any other act of gross misconduct or insubordination requiring to be suppressed by extraordinary means.

4th. Corporal punishment shall in no case be awarded until after the inquiry upon oath, and in the presence of the prisoner, into the circumstances of the case. Full particulars of the inquiry shall in each case be entered in the director's minute book.

5th. The order for the punishment shall be entered in the director's order book, and the number of lashes to be inflicted shall in all cases be stated in such order.

6th. In no case of corporal punishment shall the number of lashes inflicted on an adult prisoner exceed 24, or on a juvenile prisoner 12.

7th. Corporal punishment, in the case of adult prisoners, to be inflicted with a "cat," and in the case of juvenile prisoners with a birch rod, the instruments in both instances to be previously approved by the directors.

8th. The governor shall attend all corpora lpunishments, and shall enter in his journal the day and hour at which the punishment is inflicted, the number of lashes given, and any orders which he or the medical officer may give on the occasion.

9th. The governor shall have power to remit any portion of the number of lashes awarded after the infliction of two-thirds of the sentence.

10th. The medical officer shall attend all corporal punishments, and his instructions thereon, for preventing injury to health, shall be obeyed.

11th. In every case before corporal punishment is inflicted, the medical officer shall ascertain that the prisoner is in a fit state of health to undergo punishment.

12th. In the case of juvenile prisoners corporal punishment may be inflicted for any repeated offence against the rules of the prison, or for any greater offence than the governor is empowered adequately to punish.

As regards the cat used:—A sample of the one in use in the army was applied for and obtained from the Adjutant-General's office, and a quantity made similar thereto for use in the convict prisons.

C.

General Abstract of Returns of Attempts at Violence by Convicts against Officers and against Prisoners during the Years 1858–62.

Prisons.	Cases of Violence towards Officers.	Cases of Violence towards Prisoners.	Total Cases of Violence.	Number of Prisoners.	Per-centage of Cases of Violence.
Millbank -	58	31	89	2,840	3·13
Pentonville	25	41	66	2,286	2·88
Chatham* -	53	123	176	9,163	1·92
Portland -	60	194	254	7,325	3·46
Portsmouth	72	317	389	7,565	5·14
Dartmoor†	184	235	419	5,617	7·45
Woking -	11	34	45	3,479	1·29
Parkhurst -	14	11	25	2,405	1·03
Total -	477	986	1,463	40,680	3·59
Years.					
1858 -	122	232	354	8,611	4·11
1859 - -	101	215	316	8,307	3·79
1860 -	92	209	301	8,202	3·67
1861 -	91	195	286	7,593	3·76
1862 -	71	135	206	7,967	2·58
Total -	477	986	1,463	40,680	3·59

* The return from Chatham is incomplete, several of the books having been destroyed in the mutiny, and others having been before the Commission when the return was made out.

† In the return from Dartmoor are included 137 petty cases of violence by prisoners of weak mind.

D.

Letter from Sir Joshua Jebb to Earl Grey.

My Lord, 45 Parliament Street, April 13, 1863.

As I may not have an opportunity of again giving evidence before the Royal Commission on the Penal Servitude Acts, I would beg permission to bring under your notice one or two points to which I should have been anxious to direct the attention of the Commissioners had an opportunity offered.

First. The great distance from London of the convict prisons of Dartmoor and Portland, and the pressure of other duties on the single director who has the entire superintendence of the discipline, make it impossible for him to visit those prisons or even Chatham, Portsmouth, and Woking, more than once a month—hence punishments, which should be prompt, and inquiry into complaints, which should be immediate, are necessarily postponed, to the great

detriment of discipline. In the military and naval prisons we have visitors appointed by the Secretary of State for War, and the Lords of the Admiralty, who exercise powers analogous to those of directors and of visiting justices. In Ireland until the last year this was provided for in the case of Spike Island by a resident local inspector. Some similar arrangement in connexion with the convict prisons is of urgent necessity.

Second. The inadequacy of the means at my disposal for maintaining an effective superintendence is a source of increasing anxiety. No labour of mind or body has been spared to provide for the duties, which, since the cessation of transportation and the release of so many prisoners in this country, are now double what they were in the period from 1848 to 1852.

If in addition to local superintendence I had the assistance of another director, specially for general duties and the organization and superintendence of convict labour on public works it would be some relief, and great public advantage would be the result.

Third. No system of convict management can be deemed complete, nor can the fruit of reformatory discipline be secured, unless there be some organized means of disposal combined with assistance to obtain work for prisoners on discharge. To be effective, it must for obvious reasons be in immediate connexion with the convict department, and confided to some one responsible for working it.

This entirely new branch of labour comprises all the arrangements connected with the release of convicts, whether on expiration of sentence or on licence, the correspondence with prisoners' friends and employers, with prisoners' aid societies and benevolent associations in large towns; the disbursements of gratuities for the benefit of prisoners, and a variety of other business. The individual efforts that have been made to provide for these duties have been very great, but being without organization they have only served to disclose the amount of good that might be effected, if the duties were properly provided for, and reduced to a system.

Fourth. I should have been desirous to point out more in detail the exertions of officers in overcoming the difficulties consequent on the discontinuance of transportation and the changes of the law. I trust, however, to show this, together with the high state of discipline which has been maintained in the event of the Commission or members of it inspecting any of the convict prisons. Under any circumstances I feel assured that the distinction that exists between the *administration* of my department under rules laid down for our guidance, and the changes in the law and circumstances against which we have had to contend during the last 10 years will not escape notice.

I am, my Lord,
Your most obedient servant,
J. Jebb, Maj.-Gen., &c.

APPENDIX No. 4.

Papers delivered by Capt. Powell, 13th February 1863.

A.

Chatham Prison.—Scale of Ordinary Diet.

Day of Week.	Meal.	Description of Article.	Allowance cooked and issued per Diet.	Quantity generally necessary to produce the allowance when cooked.
Sunday - Tuesday - Thursday - Saturday -	Breakfast.	Bread.	12 oz.	About 10 oz. flour, with other necessary ingredients.
		Cocoa.	1 pint	$\frac{3}{4}$ oz. flaked cocoa, $\frac{3}{4}$ oz. molasses, and 2 oz. milk.
	Dinner.	Beef, free from bone.	6 oz.	11 oz. nearly, bone included.
		Soup.	$\frac{3}{4}$ pint	$\frac{1}{2}$ oz. legs and shins, $\frac{1}{2}$ oz. carrots, $\frac{1}{2}$ oz. onions, $\frac{1}{2}$ oz. barley, $\frac{1}{2}$ oz. salt, $\frac{1}{100}$ oz. pepper.
		Potatoes.	1 lb.	1 $\frac{1}{4}$ lb. nearly. When potatoes are not in season, $\frac{1}{2}$ lb. haricot beans, or 3 oz. rice, with additional $\frac{1}{30}$ oz. pepper, are issued in lieu.
		Bread.	6 oz.	About 5 oz. flour, &c.
	Supper.	Gruel.	1 pint	1$\frac{1}{2}$ oz. oatmeal.
		Bread.	9 oz.	About 7$\frac{1}{2}$ oz. flour, &c.
Monday - Wednesday Friday	Breakfast.	Bread.	12 oz.	About 10 oz. flour, &c.
		Cocoa.	1 pint	$\frac{3}{4}$ oz. flaked cocoa, $\frac{3}{4}$ oz. molasses, and 2 oz. milk.
	Dinner.	Beef, free from bone.	5 oz.	9 oz. nearly, bone included.
		Soup.	$\frac{3}{4}$ pint	$\frac{1}{2}$ oz. legs and shins, $\frac{1}{2}$ oz. carrots, $\frac{1}{2}$ oz. onions, $\frac{1}{2}$ oz. barley, $\frac{1}{2}$ oz. salt, $\frac{1}{100}$ oz. pepper.
		Potatoes.	1 lb.	1 lb. nearly.
		Bread.	6 oz.	About 5 oz. flour, &c.
	Supper.	Gruel.	1 pint	1$\frac{1}{2}$ oz. oatmeal, $\frac{3}{4}$ oz. molasses
		Bread.	9 oz.	About 7$\frac{1}{2}$ oz. flour, &c.

Scale of three-quarter diet:

In every respect the same as ordinary, except bread, beef, and potatoes, which are reduced one-quarter per man.

Scale of half diet:

Three ounces of beef, and half the remaining items of ordinary diet.

Scale of bread and water diet:

One pound of bread, with a sufficiency of water.

N.B.—Prisoners in the 3rd stage receive on Sundays 2 oz. cheese, 3 oz. bread, and $\frac{1}{2}$ pint of beer, and tea for supper every day, instead of gruel, if preferred, in addition to the ordinary diet. Prisoners in the 4th stage receive the same as those in the 3rd, with the addition of a suet dumpling (made of 3 oz. flour, 1 oz. suet, 2 oz. milk, and a tablespoonful of molasses) on Thursdays. Baked mutton, in lieu of beef, on Tuesdays and Thursdays, and baked instead of boiled beef on Sundays and Wednesdays.

B.

MEMORANDUM to be given to a PRISONER on discharge in case any balance of gratuity may be due to him.

In the event of your conduct being satisfactory when at liberty, your claim to the balance of your gratuity will be admitted on your returning this paper to me at the expiration of two months from your release, backed by the certificate of a magistrate, or the clergyman of the parish, or other competent and known authority, that you are earning your livelihood by honest means, and have proved yourself deserving of the clemency which has been extended to you by Her Majesty.

The following particulars must be carefully stated in returning this paper :—

Christian and surname at length, and prison number - - - -
Your occupation or calling, or in what manner you are earning your livelihood - - - - -
The name of the post office at which the Order should be made payable -
Chatham Prison,

Governor.

186

C.

CHATHAM PRISON.

RETURN showing the NUMBER of FINAL BALANCES of GRATUITY, &c. due to CONVICTS in the Years 1861 and 1862; also the Number paid to Prisoners Aid Societies, the Number paid to Convicts at each of the authorized Periods, viz., 2 Months, 3 Months, and 5 Months from Release, and the Number remaining unpaid (with the Cause) at the close of each Year.

Total Number due in the Year.	Final Balances paid					Final Balances unpaid, and Cause of Nonpayment.						Total Number unpaid in the Year.
						2 months from release.		3 months from release.		5 months from release.		
	To Prisoners' Aid Societies.	2 months and under from release.	3 months from release.	5 months from release.	Total Number paid in the Year.	Not applied for.	Unsatisfactory.	Not applied for.	Unsatisfactory.	Not applied for.	Unsatisfactory.	
1861 - 706	311	113	153	83	660	16	Nil.	18	1	8	3	46*
1862 - 337	168	72	41	35	316	9	2	4	3	2	1	21†

* Of this number 6 have since been paid.

† Of this number 1 has since been paid.

T. FOLLIOTT POWELL, Governor.

APPENDIX No. 5.

Papers delivered in by Sir Richard Mayne, K.C.B.

A.

Extract from the Metropolitan Police Returns for 1862.

No. 17.—Comparative Statements, from the Year 1831 to 1862, inclusive.

Years.	Taken into Custody.	Discharged by the Magistrates.	Summarily disposed of, or held to Bail.	Committed for Trial.	Convicted and Sentenced.	Acquitted.	Bills not found, or not Prosecuted.
1831	72.824	48,026*	21,843	2,955	1,932	616	251
1832	77.543	50,429†	23,468	3,656	2,309	591	306
1833	69.959	45,496‡	20,791	3,672	2,646	631	299
1834	64,269	34,499	26,302	3,468	2,588	551	329
1835	63,474	32,544	27,817	3,113	2,237	608	268
1836	63,384	29,776	30,433	3,175	2,437	495	243
1837	64.416	33,043	28.345	3,028	2,266	504	258
1838	63,936	30,955	29,685	3,295	2,546	527	222
1839	65,965	33,882	28,488	3,595	2,813	547	235
1840	70,717§	37,559	29,076	4,082	3,081	660	324
1841	68,961	36,708	28,235	4,018	3,020	618	375
1842	65.704	33,609	27,664	4,431	3,316	746	369
1843	62,477	31,670	26,171	4,636	3,455	831	350
1844	62,522	31,347	26,871	4,304	3,126	812	366
1845	59,123	30,317	23,890	4,916	3,548	987	381
1846	62.834	31,389	26,333	5,112	3,828	878	406
1847	62,181	31,572	24,689	5,920	4,551	917	452
1848	64,480	31,683	27,274	5,523	4,364	905	254
1849	70,666	34,756	31,343	4,567	3,643	703	221
1850	70,827	35,591	30,721	4,515	3,589	707	219
1851	72,397	37,363	30,498	4,536	3,711	672	153
1852	73,257	38,272	30,558	4,427	3,665	632	130
1853	72,316	37,621	30,327	4,368	3,613	625	130
1854	75,614	39,514	30,941	5,159	4,304	733	122
1855	68,505	34,850	29,796	3,859	3.169	594	96
1856	73,240	36,551	33,451	3,238	2,587	540	111
1857	79,364	37,564	38,731	3,069	2,460	502	107
1858	74,360	35,494	36,212	2,654	2,144	433	77
1859	64,281	29,863	31,565	2,853	2,312	424	117
1860	62,937	29,717	30,407	2,813	2,286	448	79
1861	63,244	30,099	30,101	3,044	2,468	485	91
1862	68,287	31,771	32,894	3,622	2,924‖	555	108

* Including 18,487 drunken cases dismissed by Superintendents.
† Including 23,702 drunken cases dismissed by Superintendents.
‡ Including 18,487 drunken cases, up to August, dismissed by Superintendents.
§ The Police District was considerably extended in January 1840, including 135 parishes hamlets, and liberties, and a population of 267,266.
‖ 35 not yet tried.

B.

METROPOLITAN POLICE.

A COMPARATIVE STATEMENT of CASES of ROBBERY from the PERSON with VIOLENCE and BURGLARY, showing Number of Persons apprehended and Amount of Property stolen, from the 1st July to 31st December, inclusive, during the Years 1860, 1861 and 1862.

Year.	Number of Cases.			Amount of Property stolen, or Value.						Number of Persons apprehended.			Characters, as far as known, of Persons apprehended.					No. of Cases where no Persons were apprehended.	
	Robbery with Violence.	Burglary.	Total.	Robbery with Violence.			Burglary.			Total.			Robbery with Violence.	Burglary.	Total.	No. on Ticket of Leave.	Returned Convicts after Penal Servitude.	No. previously convicted not sentenced to Penal Servitude.	Known Thieves or Associates of Thieves.	Characters unknown.	Robbery with Violence.	Burglary.
				£	s.	d.	£	s.	d.	£	s.	d.										
1860	18	106	124	293	11	6	1,275	4	0	1,568	15	6	18	54	72	—	7	18	18	29	2	47
1861	17	103	120	39	9	8	1,309	16	4	1,349	6	0	21	52	73	2	8	24	10	29	—	18
1862	82	143	225	269	5	9½	1,614	3	1¼	1,883	8	10¾	92	77	169	4	13	66	34	52	19	90

MONTHLY SUMMARY of CASES.

Burglary.								Robbery with Violence.						
Year.	July.	August.	September.	October.	November.	December.	Total.	July.	August.	September.	October.	November.	December.	Total.
1862	26	12	30	32	20	23	143	11	11	2	12	32	14	82

Metropolitan Police Office, 3rd January 1863. (Signed) JOHN SEARLE, Inspector.

C.

Metropolitan Police.

A Comparative Statement of Cases of Robbery from the Person with Violence and Burglary, showing Number of Persons apprehended, and Amount of Property stolen, from 1st January to 30th June, inclusive, during the Years 1860, 1861, and 1862.

Year.	Number of Cases.			Amount of Property stolen, or Value.			Number of Persons apprehended.			Number of Cases of Prisoners who have been previously convicted, or are known Thieves.			Number of Cases where no Persons were apprehended.		
	Robbery with Violence.	Burglary.	Total.	Robbery with Violence.	Burglary.	Total.	For Robbery with Violence.	Burglary.	Total.	Robbery with Violence.	Burglary.	Total.	Robbery with Violence.	Burglary.	Total.
				£ s. d.	£ s. d.	£ s. d.									
1860	14	73	87	73 0 8	1,800 9 6	1,873 10 2	15	23	38	8	10	18	3	57	60
1861	16	97	113	181 11 7	1,349 19 11	1,531 11 6	18	34	52	9	21	30	5	86	91
1862	15	116	131	74 11 10½	4,451 7 5	4,525 19 3½	19	60	79	15	36	51	5	72	77

Metropolitan Police Office,
26th Feb. 1863.

John Searle, Inspector.

D.

Metropolitan Police.

Summary of Superintendent's Returns of all Persons apprehended for Burglary with intent *only* to steal, during the Years 1860, 1861, and 1862.

Year.	Number of Cases.	No. of Persons apprehended.	During the Months of												Results.	
			January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Convicted.	Discharged.
1860	48	48	-	3	-	7	2	-	4	14	2	3	7	2	34	14
1861	36	31	2	4	5	4	-	3	1	3	3	-	3	2	26	5
1862	60	57	-	1	-	2	3	5	15	4	13	2	5	5	35	22
Total	144	136	2	8	5	13	5	8	20	21	18	5	15	9	95	41

Metropolitan Police Office,
27th Feb. 1863.

J. Searle, Inspector.

E.

Metropolitan Police.

Extract from the Return for 1862 of the Number of Persons taken into Custody by the Metropolitan Police.

No. 21.—Return of the Number of Persons recognized as having been in Custody more than once, for Felony, during the last Eight Years.

Years.	Twice.										Three Times.										Four Times.										Five Times and upwards.										General Total.
	Under 10.	10 to 15.	15 to 20.	20 to 25.	25 to 30.	30 to 40.	40 to 50.	50 to 60.	60 and upwards.	Total.	Under 10.	10 to 15.	15 to 20.	20 to 25.	25 to 30.	30 to 40.	40 to 50.	50 to 60.	60 and upwards.	Total.	Under 10.	10 to 15.	15 to 20.	20 to 25.	25 to 30.	30 to 40.	40 to 50.	50 to 60.	Total.	10 to 15.	15 to 20.	20 to 25.	25 to 30.	30 to 40.	40 to 50.	50 to 60.	Total.	
1855	6	152	193	105	45	45	23	8	5	582	3	46	40	21	7	3	7	2	—	129	—	15	10	1	1	1	1	1	30	2	—	1	1	1	—	—	5	746
1856	16	198	234	117	76	66	44	10	8	769	5	70	45	35	10	6	4	2	1	178	2	11	10	5	4	4	—	—	36	6	6	1	2	1	3	—	19	1,002
1857	22	152	225	103	62	47	19	10	6	646	3	38	56	21	4	3	1	1	—	127	1	9	14	8	—	—	—	—	32	5	3	—	—	—	—	—	8	813
1858	10	141	250	132	76	55	26	20	3	713	1	36	55	21	18	8	1	2	—	142	—	8	16	7	9	2	1	—	43	6	7	7	—	—	—	—	20	918
1859	9	76	128	106	52	54	34	12	8	479	—	14	30	26	14	10	7	2	—	103	—	2	8	4	12	3	—	1	30	1	2	—	2	—	—	—	5	617
1860	4	75	125	98	63	60	25	14	4	468	4	12	37	28	10	7	3	1	1	103	—	4	2	2	1	4	—	—	13	—	—	1	—	—	—	—	1	585
1861	3	71	128	102	49	55	25	14	7	454	3	9	30	12	9	6	3	2	5	79	—	1	—	—	3	2	—	—	6	—	1	2	—	—	—	—	3	542
1862	4	57	154	110	70	41	24	5	4	469	—	8	25	6	10	6	4	1	—	60	—	1	—	—	4	1	—	—	6	—	1	1	2	2	—	—	6	541
Total for 8 Years	74	922	1437	873	493	423	220	93	45	4580	19	233	318	170	82	49	30	13	7	921	3	51	60	27	34	17	2	2	196	20	20	13	7	4	3	—	67	5,764

F.

Metropolitan Police.

Extract from the Criminal Returns for the Years ending 31st December 1860, 1861, and 1862.

Offences.	Total Number taken into custody in 1860.			Total Number taken into custody in 1861.			Total Number taken into custody in 1862.			Increase in 1862 over 1861.			Decrease in 1861 under 1860.	Increase in 1862 over 1860.
	Total.	Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Total number.	Total number.
Reputed Thieves -	203	193	10	185	172	13	229	213	16	44	41	3	18	26
Suspicious Characters -	2429	1866	563	1638	1525	143	2501	2167	334	833	642	191	761	72
Total -	2632	2059	573	1853	1697	156	2730	2380	350	877	683	194	779	98

Metropolitan Police Office,
10th Feb. 1863.

G.

Metropolitan Police.

Summary of Superintendent's Returns of all Persons apprehended for loitering with Intent to commit Felony during the Years 1860, 1861, and 1862.

Year.	Number of Cases.	Number of Persons apprehended.	During the Months of												Results.	
			January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Convicted.	Discharged.
1860	479	758	46	50	59	55	47	56	73	94	63	73	59	69	327	431
1861	621	996	74	123	71	86	70	70	77	74	73	94	79	92	454	542
1862	811	1,252	86	104	101	79	73	55	137	145	101	106	125	113	587	665
Total	1,911	3,006	206	277	231	220	190	181	287	313	237	273	263	274	1,368	1,638

Metropolitan Police Office,
26th Feb. 1863.

John Searle, Inspector.

H.

Metropolitan Police.

Return of the Number of Convicts on Ticket of Leave who received Gratuities from 1857 to 31st December 1862, inclusive, showing the Amount of Gratuities paid.

Date.		No. of Convicts who received Gratuities.	Amount of Gratuities paid.		
From	To		£	*s.*	*d.*
February 1857	2d March 1858	100	367	4	5
1st April 1858	31st December 1861	60	230	11	10
1st January 1862	31st December 1862	57	240	4	3
	Total	217	838	0	6

Metropolitan Police Office,
27th Feb. 1863.

John Searle, Inspector.

I.

Metropolitan Police.

Return of the Number of Convicts on Ticket of Leave who were not paid Gratuities, since February 1857 to 23rd February 1863.

Date.		No. of Convicts who were not paid Gratuities.	Amount of Gratuity not paid.		
From	To		£	*s.*	*d.*
February 1857	23d February 1863	11	31	17	10
	Total	11	31	17	10

Metropolitan Police Office,
27th Feb. 1863.

John Searle, Inspector.

K.

Metropolitan Police.

Summary of Superintendent's Returns of Individuals on Ticket of Leave who have been paid Gratuities through the Police during the Year 1862.

Division.	Prison discharged from.	Name.	Date of Release.	Number of Payments	Total Amount paid.	When paid.
					£ s. d.	
A or Whitehall -	None	—	—	—	—	—
B „ Westminster	„	—	—	—	—	—
C „ St. James's -	„	—	—	—	—	—
D „ Marylebone -	„	—	—	—	—	—
E „ Holborn -	„	—	—	—	—	—
F „ Covent Garden	Chatham -	T. W. - -	Feb. 10, 1862	1	2 3 1	Apr. 21, 1862
„	Millbank -	E. H. - -	Mar. 8 „	1	4 11 3	June 14 „
„	Portsmouth	H. R. - -	July 5 „	1	1 4 6	Sept. 19 „
„	Dartmoor -	J. C. - -	Oct. 7 „	1	1 16 9	Dec. 12 „
G „ Finsbury -	Millbank* -	J. A. - -	Nov. 6, 1861	2	15 17 9	Jan. 14 and May 9, 1862
„	Portsmouth	R. N. - -	Jan. 2, 1862	1	1 19 3	Mar. 7, 1862
„	Chatham -	R. H. - -	Jan. 15 „	2	7 10 8	Mar. 20 and July 2, 1862
„	„	J. M. - -	Apr. 2 „	1	1 17 2	June 14 „
„	Portsmouth	W. B. - -	May 2 „	1	1 15 9	July 15 „
„	„	J. B. - -	June 30 „	1	5 17 7	Oct. 7 „
„	„	T. S. - -	Aug. 9 „	1	4 11 11	Oct. 18 „
„	„	T. S. - -	July 17 „	1	4 4 8	Nov. 6 „
„	Chatham -	S. R. - -	Aug. 2 „	1	5 0 7	Dec. 22 „
„	„	J. S. - -	July 14 „	1	4 4 11	Dec. 24 „
H „ Whitechapel	None	—	—	—	—	—
K „ Stepney	Portsmouth	T. B. - -	Unknown	1	2 9 2	Jan. 21 „
„	Chatham -	J. M. - -	„	1	1 12 4	Feb. 18 „
„	Portsmouth	J. B. - -	„	1	1 3 9	„ 25 „
„	„	J. S., *alias* T. G.	„	1	1 8 11	Mar. 4 „
„	Millbank -	J. S. - -	„	2	8 10 2	Mar. 21 and June 19, 1862
„	Chatham -	J. S. - -	„	1	2 5 0	Apr. 17 „
„	Portsmouth	W. W. - -	„	1	2 2 5	„ 30 „
„	Chatham -	J. B. - -	„	1	2 1 3	April 28 „
„	„	J. A - -	„	1	4 13 8	June 9 „
„	Millbank -	W. F. - -	„	1	4 5 3	„ 16 „
„	Dartmoor -	W. W. - -	„	1	3 0 4	July 19 „
„	Portsmouth	W. F. - -	„	1	2 11 11	August 6 „
„	Dartmoor -	F. B. - -	„	1	3 7 5	„ 6 „
„	Millbank -	C. P. - -	„	1	5 2 10	„ 25 „
„	„	F. R. - -	„	1	4 0 8	Sept. 25 „
„	Chatham -	J. H. - -	„	1	2 18 0	„ 29 „
„	Portsmouth	T. G. - -	„	2	7 16 7	Jan. 1, 1863, & Oct. 6, 1862
„	„	H. B. - -	„	1	4 0 3	Nov. 19, 1862
„	„	R. W. S. -	„	1	5 16 7	„ 22 „
„	„	W. S. - -	„	1	2 17 7	„ 24 „
„	Portsmouth	P. W. - -	„	1	4 1 1	„ 28 „
„	Portland† -	R. M., *alias* R.N.	July 9, 1862	3	10 8 9	July 10 and 20, & Oct. 20
„	„	G. H.† - -	July 9 „	1	1 8 3	Decem. „
„	Dartmoor† -	J. G. - -	Dec. 10 „	1	1 10 0	„ 11 „
L. „ Lambeth -	Chatham -	R. B. - -	Jan. 28 „	1	5 13 4	May 6 „
„	Portsmouth	G. W. - -	April 17 „	1	2 10 1	June 29 „
M. „ Southwark -	„	C. H. - -	Nov. 4, 1861	1	3 16 3	Jan. 7 „
„	Millbank -	S. B. - -	May 2, 1862	2	15 1 1	July 2 and Oct. 13, 1862
„	Portsmouth	G. C. - -	July 16 „	1	4 2 2	Oct. 22 „
N. „ Islington -	„	F. K. - -	Not known	1	1 13 2	June 26 „
P. „ Camberwell -	„	G. W. - -	Jan. 1, 1862	1	3 6 5	Jan. 7 „
„	„	G. R. - -	Mar. 17 „	1	4 5 9	March 23 „
„	Chatham -	J. K. - -	Mar. 19 „	1	3 19 10	„ 28 „
„	Portland -	W. P. - -	Dec. 11 „	1	4 11 1	Dec. 23 „
R. „ Greenwich -	None	—	—	—	—	—
S. „ Hampstead -	Dartmoor -	J. B. - -	Dec. 9, 1861	1	2 12 7	March 7 „
„	„	J. F. - -	Jan. 16, 1862	1	2 3 0	April 25 „
„	Portsmouth	J. S. - -	May 2 „	1	3 8 7	July 18 „
„	Millbank -	J. W. - -	July 3 „	1	2 5 6	Sept. 19 „
„	Dartmoor -	J. W. - -	„ 5 „	1	3 17 7	Oct. 5 „
„	Millbank -	W. J. - -	Aug. 29 „	1	7 15 1	Nov. 14 „
„	Portland -	J. M. - -	Oct. 6 „	1	1 6 5	Dec. 20 „
T. „ Kensington -	Chatham -	R. B. - -	Mar. 3 „	1	10 19 1	Aug. 12 „
V. „ Wandsworth	„	G. S. - -	Feb. 21 „	1	4 9 3	July 3 „
			Total Amount - -		£240 4 3	

* Not the same J. A. as was sentenced to penal servitude at the C. C. C. Session in November last for assaulting a medical student of the name of Le

† Paid by the Governor per post-office orders.

Metropolitan Police Office,
11 February 1863.

L.

Metropolitan Police.

Return of the Number of Licence Holders, whose Cases have been submitted to the Home Office, during the Year 1862, specifying the Offence, &c. on which the Report is made, also the Result of such Communication.

Date of Letter to Home Office.	Name of Licence Holder.	For what Offence apprehended or complained of.	Sentence if committed for Trial.	If replied to by Home Office.	
				Date.	Decision.
1862.					
Jan. 24	G. P.	Burglary with Violence	P. S. for life	—	—
„	T. R.				
Feb. 25	G. B.	Sacrilege	8 years P. S. each.	—	—
„	G. S.				
„ 28	J. H.	Breaking and entering.	Acquitted	—	—
March 7	J. C.	„	10 years P. S.	—	—
„ 31	H. W.	„	10 years P.S. each.	—	—
„	T. M.	„			
„	J. K.	Loitering with intent, &c.	3 months H.L.	—	—
April 10	J. L.	Highway robbery	5 years P.S.	—	—
„	E. B.	Larceny from person	2 „ H.L.	—	—
„ 15	W. F.	Burglary	3 „ P.S.	—	—
„	W. G.		18 months H.L.	—	—
„	J. P.		3 years P.S.	—	—
„ 22	G. R.	Felony	6 „	—	—
„ 23	T. J.	Uttering forged notes	„	—	—
May 31	G. L.	Larceny	2 months H.L.	—	—
June 3	J. E.	Larceny from person and assault	3 years H.L. each.	—	—
„	J. L.				
„ 12	J. McN.	Associating with thieves, &c.		20 April	Both cautioned, McN. licence revoked.
„	M. D.			26 June	
„ 14	E. M.	Unlawful possession	4 years P.S.	—	—
„ 20	J. F.	Felony	Acquitted (insane)	16 July	Inquiry as to safe custody.
July 10	E. B.	Burglary	4 years P.S.	—	—
„ 19	D. T.	Associating with thieves, &c.		30 July	Cautioned.
„	W. W.				
„	T. K.				
„	W. B.				
Aug. 13	J. H.	Being in enclosed premises, &c.	Acquitted	—	—
„ 15	J. M.	Larceny from person and assault.	4 months H.L.	—	—
„ 22	W. A.	Burglary with violence.	15 years P.S.	—	—
„ 23	J. W.	Assault and robbery	15 „	—	—
„ 26	W. B.	Burglary.	10 „	—	—
Sept. 18	F. S.	„	8 „	—	—
Oct. 11	J. W.	Associating with thieves, &c.		26 Sept.	Cautioned.
				18 Oct.	Licence revoked.
„ 29	E. M.	Burglary	4 years P.S.	—	—
„	A. W.	Profligate life		6 Nov.	Cautioned.
				5 Dec.	Licence revoked.
Nov. 12	P. C.	Larceny from person.	10 year P.S.	—	—
Dec. 1	E. M.	Highway robbery with violence.	P.S. for life	—	—
„ 16	G. W.	Being on premises with intent, &c.	3 months H.L.	—	—
April 8	S. B.	Uttering	6 years P.S.	—	—

Metropolitan Police Office,
16th Feb. 1862.

M.

Metropolitan Police.

Return of the Number of Convicts whose Sentences have expired, again apprehended by the Police, and whose Cases have been submitted to the Home Office during the Year 1862.

Date when Case reported to Home Office.	Name of Convict.	For what Offence apprehended.	Result of Trial.	Remarks.
April 15	J. F., alias G. -	Burglary -	3 years' penal servitude.	Indicted with 3 licence holders.
,, 22	S. J. - -	Coining -	3 years' penal servitude.	
,, 22	E. H. - -	Felony - -	3 months' imprisonment.	
,, 23	J. L. - -	Highway robbery with violence.	10 years' penal servitude.	
,, 23	E. S. - -	Highway robbery with violence.	4 years' penal servitude.	After summary convictions.
,, 30	J. B. - -	Burglary -	10 years' penal servitude.	
November 12	C. C. - -	Housebreaking and stealing.	5 years' penal servitude.	
December 1	J. B. - -	Highway robbery with violence.	4 years' penal servitude. -	These men had served 3 years in a reformatory, and were indicted with a licence holder (marks) for this offence.
,, 1	J. F. - -	Highway robbery with violence.	4 years' penal servitude. -	

Metropolitan Police Office,
16th Feb. 1863.

N.

Metropolitan Police.

Comparative Statement of Cases of Robbery with Violence, and Burglary, showing Number of Persons apprehended, and Amount of Property stolen, from 1st to 31st January 1861, 1862, and 1863.

Year.	Number of Cases.			Amount or Value of Property stolen.			Number of Persons apprehended.			Characters, as far as known, of Persons apprehended.					Number of Cases where no Persons were apprehended.	
	Robbery with Violence.	Burglary.	Total.	Robbery with Violence.	Burglary.	Total.	Robbery with Violence.	Burglary.	Total.	No. on Ticket of Leave.	Returned Convicts after Penal Servitude.	No. previously convicted not sentenced to Penal Servitude.	Known Thieves or Associates of Thieves.	Characters unknown.	Robbery with Violence.	Burglary.
				£ s. d.	£ s. d.	£ s. d.										
1861	6	15	21	42 12 0	34 4 6	76 16 6	5	6	11	—	—	—	4	7	2	8
1862	1	11	12	0 13 4	2,160 7 11	2,161 1 3	1	9	10	—	—	—	7	3	—	6
1863	4	16	20	9 18 1	81 6 6	92 4 7	—	6	6	—	—	—	3	3	4	6

Metropolitan Police Office,
31st Jan. 1863.

John Searle, Inspector.

APPENDIX No. 5a.

PAPER furnished by Captain HODGSON, Acting Commissioner of the City of London Police.

RETURN of OFFENCES of the under-mentioned Classes affecting PROPERTY in the CITY of LONDON for the Years 1860, 1861, and 1862.

Offences.	1860.			1861.			1862.			Total for the Three Years.	Average per Year.
	Jan. to June inclusive.	July to Dec. inclusive.	Total for the Year.	Jan. to June inclusive.	July to Dec. inclusive.	Total for the Year.	Jan. to June inclusive.	July to Dec. inclusive.	Total for the Year.		
Burglary	5	9	14	4	7	11	5	10	15	40	13⅓
Housebreaking	1	—	1	—	1	1	1	1	2	4	1⅓
Breaking into Shops, Warehouses, &c.	4	14	18	10	19	29	22	13	35	82	27⅓
Attempts „ „	—	2	2	1	—	1	1	1	2	5	1⅔
Larceny from the Person	215	214	429	234	244	478	160	332	492	1,399*	466⅓
Highway Robbery	1	—	1	1		4	1	2	3	8	2⅔
Total	226	239	465	250	274	524	190	359	549	1,538	—

* 189 of these were by prostitutes; 6 others by women, ostensibly prostitutes, but acting in concert with men for the purpose of plunder; 13 effected by asking questions of persons in the streets; 29 from children; 11 larcenies in omnibuses.

THOS. S. G. HODGSON, Acting Commissioner.

APPENDIX No. 6.

PAPERS delivered in by SIDNEY GURNEY, Esq.

A.

WESTERN CIRCUIT.

TABLE showing the COMPARATIVE LENGTHS of SENTENCES for ROBBERY, BURGLARY, FORGERY, and LARCENY after former Conviction, in the periods 1838-1842 and 1858-1862.*

Period of Five Years, commencing 1838.	Convictions.	Sentences of Transportation.	Average Duration of Sentences of Transportation.	Sentences of Imprisonment.	Average Duration of Sentences of Imprisonment.	Period of Five Years, commencing 1858.	Convictions.	Sentences of Penal Servitude.	Average Duration of Sentences of Penal Servitude.	Sentences of Imprisonment.	Average Duration of Sentences of Imprisonment.
			yrs. mos		yrs. mos.				yrs. mos.		yrs. mos.
Robbery	79	66	18 2	13	0 11	Robbery	115	52	6 2	63	1 0½
Burglary	121	89	15 10	32	0 9½	Burglary	180	63	4 9	117	0 9½
Forgery	15	9	13 2	6	1 10	Forgery	52	21	5 4	31	0 8½
Larceny after former conviction	124	85	12 0	39	0 9¼	Larceny after former conviction	120	2	3 11	99	0 6½

* Sentences for life are reckoned at 25 years.

B.

WESTERN CIRCUIT.

TABLE showing the NUMBER of CONVICTIONS for OFFENCES for which PENAL SERVITUDE might have been but was not inflicted, during the last Five Years.

1858	171	Average of five years, 168.
1859	118	
1860	157	
1861	194	
1862	170	

APPENDIX No. 6*a*.

PAPER delivered in by HENRY AVORY, Esq.

CENTRAL CRIMINAL COURT.

TABLES showing the COMPARATIVE LENGTHS of SENTENCES for ROBBERY, BURGLARY, FORGERY, and LARCENY after former Conviction, in the periods 1838–1842 and 1862.*

Period of Five Years, commencing 1838.	Convictions.	Sentences of Transportation.	Average Duration of Sentences of Transportation.	Sentences of Imprisonment.	Average Duration of Sentences of Imprisonment.	Period of Five Years, commencing 1838.	Convictions.	Sentences of Penal Servitude.	Average Duration of Sentences of Penal Servitude.	Sentences of Imprisonment.	Average Duration of Sentences of Imprisonment.
			yrs. mos.		yrs. mos.				yrs. mos.		yrs. mos.
Robbery -	92	72	18 4½	20	1 2½	Robbery -	163	118	5 4	145	1 —
Burglary -	233	195	12 10½	38	— 11	Burglary -	413	174	5 6½	239	— 11½
Forgery -	184	111	12 1	73	— 11	Forgery -	282	160	6 1½	132	— 11
Larceny after former conviction -	579	523	8 3½	56	— 6	Larceny after former conviction -	119	45	4 1½	74	— 11

* Sentences for life are reckoned at 20 years.

(Signed) HY. AVORY, Clerk of the C.C. Court.

APPENDIX No. 7.

PAPERS delivered in by Capt. DONATUS O'BRIEN.

A.

MILLBANK PRISON.

TABLE showing the NUMBER of MONTHS CONFINEMENT in SEPARATION since Conviction, in Millbank and other Prisons, of 647 Convicts removed to Chatham, Portsmouth, and Portland Prisons in 1862, excluding Penal Class and Blue Dress Prisoners.

Sentence.	Number of Months.								Total Number of Prisoners.
	6	7	8	9	10	11	12	14	
Transportation :									
10 years - -	—	—	—	1	—	—	—	—	1
Penal Servitude :									
3 years - -	52	49	39	50	5	—	2	1	198
4 „ - -	26	42	65	47	6	1	—	—	187
5 „ - -	8	10	7	5	4	1	1	1	37
6 „ - -	15	18	17	13	2	2	—	—	67
7 „ - -	6	12	7	7	—	—	2	—	34
8 „ - -	6	7	6	3	—	—	—	—	22
10 „ - -	14	13	16	17	2	—	—	—	62
12 „ - -	2	—	—	—	—	—	—	—	2
14 „ - -	2	2	1	2	—	—	—	—	7
15 „ - -	5	5	—	—	—	—	—	—	10
20 „ - -	4	2	1	—	1	—	—	—	8
25 „ - -	—	—	—	—	1	—	—	—	1
Life - - - -	1	3	4	3	—	—	—	—	11
Total - -	141	163	163	148	21	4	5	2	647

Average time per head - - - - 7 months 20 days.

B.

Male Prisoners at Millbank.

Daily Routine and Diet.

Males rise at 6 a.m., for the most part clean prison till 7·30, remainder at their trade. Breakfast 7·30 to 8: wash selves to 8·30. Chapel 8·30 to 9·15; work to 12·50; dine 1 to 2 p.m.; work to 5·40; supper to 6·15; work to 8; read to 8·45; bed 9 p.m. During the working hours, the prisoner exercises for one hour, reads in meal hours. School two half days per week.

Sunday, rise at 7; breakfast at 8; divine service, twice, one full, the other divided with females; allowed to read remainder of day; one hour's exercise.

Ordinary charge of the officer, 30 prisoners.

Ordinary Diet.

Males—Breakfast, bread 8 oz., cocoa ¾ of a pint. Dinner, meat 5 oz. after boiling, potatoes 1 lb., bread 6 oz., soup ¼ pint. Supper, bread 8 oz., gruel of oatmeal 1 pint.

Punishment Diet.

Bread 1 lb.

Blue dress men receive third stage diet.

Third Stage Diet.

Breakfast, bread 12 oz., cocoa 1 pint. For blue dress prisoners, dinner 5 or 6 oz. meat after boiling, on alternate days, ¾ of a pint of soup, potatoes 1 lb., bread 6 oz. Supper, tea 1 pint, bread 9 ozs.

Sundays in addition to the above, cheese 9 ozs., bread 3 ozs., beer ½ pint.

C.

Millbank Prison.

Scale of Works to be performed by Male Convicts entitling them to receive Gratuities after a Badge has been won by Good Conduct.

Description of Work.	Rate of Gratuity.		
	4*d.*	6*d.*	8*d.*
Prisoners' jackets or drabett frocks	5	8	10
„ waistcoats	10	15	20
„ trousers	5	8	10
Fustian jackets	4	6	8
„ waistcoats	8	12	16
„ trousers	4	6	8
Duck trousers	5	8	10
Flannel drawers	8	12	16
„ waistcoats	12	18	24
Hammocks	4	6	8
Bed cases or sheets	16	24	32
Stuffing beds	16	24	32
Biscuit bags	60	90	120
Duck frocks	5	8	10
Towels	80	120	160
Braces (list)	16	24	32
„ (webbing)	32	48	64
Prisoners' shirts	6	9	12
Hammock nettles	50	75	100
Waist belts	16	24	32
Kit bags	16	24	32
Military great coats	4	6	8
Handkerchiefs, hemmed	80	120	160
Flushing coats	2	3	4

Description of Work.	Rate of Gratuity.		
	4*d.*	6*d.*	8*d.*
Moses duck trousers	5	7	9
„ dungarie	5	7	9
„ pantaloons	5	7	9
„ blouses	3	5	7
Military trousers	2	3	4
Officers' uniforms	—	—	8*d.* per week.
Mat makers square feet	18	24	30
Out sized mats 1 inch thick, 10*d.* per foot, and 2*d.* for every additional ½ inch.			
Weaving—bagging pieces, dowlas, cross-over, sacking, blue and white cotton towelling, &c.	1	1½	2
Men's shoes	3	4	6
Women's ditto	4	6	8
Ankle boots	2	3	4
Slippers	6	9	12
Binding shoes	24	36	48
Closing	12	18	24
Knee caps	36	54	72
Pouches	8	12	16
Belts	10	15	20

Cooks, nurses, bakers, carpenters, smiths, basket makers, bookbinders, coopers, and other trades - - - - 8*d.* per week.
Gardeners and jobbers - - - - - - 6*d.* per week.
No prisoner under punishment will be allowed any gratuity for the week in which he may be punished.
Any prisoner forfeiting a badge will be liable, at the discretion of the director, to forfeit all former gratuity.
The cases of prisoners in the infirmary, or otherwise incapacitated by accident from the performance of work, will be specially considered.

D.

STATEMENT of GARMENTS, &c. made in the MANUFACTURING DEPARTMENT of MILLBANK PRISON during the Year 1862, by Male Convicts.

——	——	Quantity.
	£ *s.* *d.*	
Shoemakers :		
Prisoners' shoes made	— —	2,698 pairs
Officers' boots and shoes made	21 13 4	66 „
Sundry boots and shoes	277 6 8	136 „
Shoes repaired	158 5 0	19,458 „
Straps made	4 4	26
Chains covered	5 8	34
Knee caps	10 10	260
Cats made	12 0	72
Belts	4 6	6
Tailors :		
Fustian trousers made	148 16 0	1,984
„ waistcoats „	4 19 0	99
Uniform coats „	33 10 0	67
„ jackets „	21 7 6	95
„ trousers „	12 3 0	81
„ greatcoats „	31 0 0	124
Cord trousers „	17 2 0	114
„ waistcoats „	11 15 0	94
Flannel drawers „	217 7 1	10,433
Drab jackets	109 14 6	2,394
„ waistcoats	74 8 0	2,976
„ trousers	53 12 6	1,170

	£	s.	d.	Quantity.
Tailors :				
Handkerchiefs hemmed	26	16	4	8,581
Kit bags made	22	0	3	1,761
Drabbett frocks	34	9	2	1,654
Drab cloaks	3	2	0	62
Flannel waistcoats	66	12	6	3,198
Hand towels	11	19	5	3,831
Sheets	10	15	6	862
Coverlids	2	2	0	12
Cloth slippers	8	16	0	151
Black linen jackets		4	6	9
Drab coats	1	16	0	36
Aprons		6	9	81
Rice bags		5	0	30
Bed cases made	22	7	0	1,788
Pillow cases „	7	2	10	1,714
Blue jackets „	11	8	3	249
„ waistcoats made	6	3	6	247
Blue trousers „	58	19	9	1,287
Hammocks „	19	6	0	386
Bed sackings „		3	0	3
Beds and pillows stuffed	21	10	8	12,29
Flannel gowns made		2	4	2
„ capes „		12	0	12
Kersey waistcoats „	1	14	6	69
„ caps „	1	0	3	81
Blue cotton jackets made		1	0	2
Kersey trousers „		13	4	80
Duck jackets „	2	9	6	99
„ trowsers „		1	10	2
Miscellaneous articles	1	0	2	250
Strait jackets made	2	0	0	10
Clews and lashings made	1	3	0	92
Moses drawers „	12	10	3	1,101
Hassocks „		7	6	30
Duck aprons „		6	5	77
Drab capes „		14	7	25
Bag makers :				
Biscuit bags made	179	2	10	57,326
Rag bags „	4	3	6	501
Weavers :				
Towelling wove	13	10	0	4,609 yds
White cotton „	13	16	0	2,632 „
Dowlas „	20	5	0	4,593 „
Handkerchiefs wove	53	0	1	8,481
Crossover „	11	0	0	2,159 yds.
Blue cotton „	2	8	0	571 „
Mat makers :				
Mats made	389	6	2	9,297
Basket makers :				
Baskets made	30	3	6	460
Pickers :				
Coir picked	12	16	11	7,670½
Tinsmiths and Blacksmiths :				
Articles of tinware made	18	7	6	1,522
„ smith's work	5	17	9	333
Coopers and carpenters :				
Articles of cooperage made	79	13	6	2,664
Brushmakers :				
Brushes made	30	18	0	3,249
	£2,423	9	2	

E.

Female Prisoners.—Millbank.

Daily Routine.

The prisoners rise at 6 a.m. in summer, at 6·30 a.m. in winter; wards and cells cleaned; breakfast at 7·35, half an hour allowed; cleaning resumed; prepare for chapel at 9·15; return from chapel at 10·15; work; dinner at 1 p.m., one hour allowed; work; supper at 5·30, half an hour allowed; work; retire to rest at 8·30 in the winter and at 9 in summer. The last hour is allowed the prisoner for her own reading. On two half days in the week instruction is given; the prisoners exercise one hour daily.

Classification and Time passed in each.

Probation class four months.
Third „ six „
Second „ six „

Employment.

Pick coir first two months, bagmaking the next five months, knitting, needlework, and finally laundry work follows.

Ordinary Diet.

Breakfast, ¾ pint of cocoa made with ½ oz. of nibs, ½ oz, of milk, and 8 oz. of bread. Dinner, 4 oz. of beef, ½ lb. of potatoes, and 6 oz. of bread. Supper, 1 pint of gruel made with 2 oz. of oatmeal and ½ oz. of molasses, and 6 ozs. of bread.

Penal Class Diet and Treatment.

Breakfast, 4 oz. of oatmeal and ½ pint of milk made into porridge and 6 oz. of bread. Dinner, 6 oz. of Indian meal and ½ pint of milk made into pudding, and ½ lb. of potatoes. Supper, oatmeal and milk porridge as at breakfast and 6 oz. of bread.

The prisoners in this class are closely confined to their cells and exercise alone. During the first stage they pick coir and do not attend school.

F.

Female Prisoners.

Scale of Work on which Gratuities are paid.

Amount of work.	1st Class.	2nd Class.	3rd Class.
	s. *d.*	*d.*	
2 shirts or their equivalent - -	0 8	—	—
3 „ „ - -	0 8	6	—
4 „ „ - -	0 8	6	—
5 „ „ - -	0 10	6	—
6 „ „ - -	1 0	8	—
Laundry-women - - - -	1 0	—	—

No higher gratuity given.

G.

Brixton Prison.

Memorandum of the Gratuities that have been paid to Female Convicts on discharge during the Year 1862.

1st. Largest sum paid - - - - - £15 13*s.* 8*d.*
Length of time the woman had been in prison—7 yrs. 8 mo. and 19 days.
2nd. Smallest sum paid - - - - - £0 5*s.* 0*d.*
Length of time the woman had been in prison—4 years.

3rd. An average of all gratuities according to sentence, also average of time passed in prison under each sentence as follows:

Sentences.	Average time passed in Prison on Release.			Average Gratuity.		
Years.	Years.	Months.	Days.	£	*s.*	*d.*
3	2	6	5	2	15	2
4	3	4	18	3	10	8
5	4	0	9	4	14	5
6	4	7	27	6	2	5
7	6	0	0	2	1	8
8	6	6	9	8	14	8
10	9	8	9	5	10	8
14	6	0	0	9	18	7
15	6	6	4	6	15	1
Life	7	8	19	15	13	8

NOTE.—The prisoner who received the largest sum was one whose sentence was "penal servitude for life," but she was released on conditional pardon at the end of 7 years 8 months and 19 days.

H.

OFFICERS AND PRISONERS.—DAILY ROUTINE of DUTY at BRIXTON PRISON.—FEMALE PRISONERS.

	A.M.		A.M.	H.M.
Prisoners to rise, wash themselves, and clean their cells and ward	6·0	to	6·30	0·30
Labour viz., needlework, &c., washing, ironing, mangling, and repairing prisoners clothes in the laundry, including mustering to go there	6·30	„	7·30	1·0
Breakfast, officers and prisoners	7·30	„	8·0	0·30
Prisoners exercise	8·0	„	9·0	1·0
Morning prayers, including time for unlocking and moving to and from prayers	9·0	„	9·40	0·40
Prisoners to work, as above	9·40	„	1·0	3·20
Dinner for officers and prisoners	1·0	„	2·0	1·0
Labour, including mustering and going to and from laundry	2·0	„	4·30	2·30
Evening prayers and lecture, including time for unlocking, &c.	4·30	„	5·15	0·45
Supper for prisoners and tea for officers	5·15	„	6·0	0·45
Labour, as above	6·0	„	8·0	2·0
Prisoners read, &c. in cells	8·0	„	8·45	0·45
Making down hammocks	8·45	„	9·0	0·15
Total from 6 a.m. until 9 p.m.				15·0

Officers leave duty every alternate evening at 6 p.m.

BRIXTON PRISON.—DIETARY for FEMALE PRISONERS, February 1860.

Breakfast.—¾ pint of cocoa (made with ½ oz. of flaked cocoa, ½ oz. of molasses, and 2 oz. of milk) and 6 oz. of bread.

Prisoners under punishment for prison offences, 4 oz. of oatmeal (boiled in milk for two hours) and 6 oz. of bread.

Dinner.—
- Sundays, Tuesdays and Fridays: 4 oz. of beef without bone, after boiling; ¼ lb. of potatoes, ¼ lb. of cabbage or parsnips, and 6 oz. of bread.
- Mondays, Thursdays, and Saturdays: 4 oz. of mutton without bone, after boiling; ¼ lb. of potatoes, ¼ lb. of cabbage or parsnips, and 6 oz. of bread.
- Wednesdays: 1 pint of soup (made with 3 oz. of cooked meet, 1 oz. of barley, 1 oz. of rice, 1 oz. of onions or leeks, 1½ oz. of split peas with pepper and salt), ¼ lb. of potatoes, and 6 oz. of bread.

Prisoners under punishment for prison offences, 6 oz. of Indian meal (boiled in milk two hours) and 8 oz. of potatoes.

Supper.—
1 pint of gruel (made with 2 oz. of oatmeal or wheaten flour, sweetened with ½ oz. of molasses) and 8 oz. of bread.
First class prisoners, 1 pint of tea every night (made of 1½ drm. of tea and sweetened with ½ oz. of sugar) in lieu of the gruel; and second class prisoners, 1 pint of tea three times a week, in lieu of the gruel.
Prisoners under punishment for prison offences, 4 oz. of oatmeal (boiled in milk for two hours) and 6 oz. of bread.

DIETARY for FEMALE PRISONERS who are employed at WASHING in the LAUNDRY, and at any other kind of HARD LABOUR.

Breakfast.—1 pint of cocoa (made with ¾ oz. of flaked cocoa, ½ oz. of molasses, and 2 oz. of milk) and 8 oz. of bread.
11 o'clock.—1½ oz. of cheese (for laundry prisoners only), 1 oz. of cheese for prisoners employed in bakehouse.

Dinner.—
- Sunday, Tuesday, Wednesday, and Friday: 5 oz. of beef without bone, after cooking
- Monday, Thursday, and Saturday: 5 oz. of mutton without bone, after cooking

1 pint of soup, to to contain in each pint 1 oz. of barley 1 oz. of rice or oatmeal, 1 oz. of onions or leeks with pepper and salt, ½ lb. of potatoes, ½ lb. of parsnips or cabbage, and 6 oz. of bread.

On Wednesday the soup to contain, in addition to the above, 1½ oz. of split peas; and instead of ½ lb. of potatoes and ½ lb. of parsnips, ½ lb. of potatoes only.

Supper.—Tea every night, and 8 oz. of bread.

APPENDIX No. 8.

PAPER delivered in by R. F. NEWLAND, Esq.

POPULATION of SOUTH AUSTRALIA.

——	Year 1850.	Year 1861.
City of Adelaide - - -	14,577	18,303
Country Districts - -	49,123	108,527
	63,700	126,830

1850.

Votes for police, gaols, &c. £10,982 = 3*s.* 5¼*d.* per head of population, 1850.

1861.

Votes for police, gaols, and convicts - £29,794 + 7,314

£37,108 = 5*s.* 10*d.* per head of population, 1861.

APPENDIX No. 9.

Paper delivered in by Sir Walter Crofton.

Ireland.

Notice to Male Convicts.

1. The Act of Parliament passed in June 1857 provides that sentences of penal servitude are to be of the same duration as sentences of transportation previously awarded, instead of the sentences of shorter extent under the Act of 1853—thus, a sentence of *four years' penal servitude* under the Act of 1853, stands in place of a sentence of *seven years' transportation*; whereas for the same offence under the recent Act of 1857, the sentence awarded is liable to be one of *seven years' penal servitude.*

In the case of the shorter sentences under the Act of 1853, the whole has to be spent in imprisonment, a certain proportion, in the case of well conducted prisoners, being allowed to be passed in intermediate prisons, but in the case of sentences under the recent Act, the terms being longer, a portion is allowed to be remitted on licence towards the end of the sentence, if the conduct of the prisoner shall have been deserving of this indulgence.

The following scale shows the earliest periods at which prisoners convicted under the recent Act may qualify themselves by *unexceptionable conduct* for admission to the privileges of the intermediate prisons.

Scale.

Class and number of marks to be gained for admission to the Intermediate Prisons for different sentences.	Sentences.	Shortest periods of imprisonment. In Ordinary Prisons. Years.	Months.	Shortest period of detention in Intermediate Prisons. Years.	Months.	Periods of remission on licence.
Class 1st, $\frac{10}{90}$	3 Years	2	2	0	4	The periods remitted on Licence will be proportionate to the length of sentences, and will depend upon the fitness of each Convict for release, after a careful consideration has been given to his case by the Government.
„ 6 A or 6 months in A class	4 „	2	10	0	5	
„ 14 A „ 14 „	5 „	3	6	0	6	
„ 17 A „ 17 „	6 „	3	9	0	9	
„ 20 A „ 20 „	7 „	4	0	1	3	
„ 28 A „ 28 „	8 „	4	8	1	4	
„ 44 A „ 44 „	10 „	6	0	1	6	
„ 59 A „ 59 „	12 „	7	3	1	9	
„ 68 A „ 68 „	15 „	8	0	2	0	
		2—6	3—3	4—0	4—6	5—3	6—0	7—6	9—0	10—0		

2. The above earliest possible periods of removal to intermediate prisons apply only to those of the most unexceptionable character, and no remission of the full sentence will take place unless the prisoner has qualified himself by carefully measured good conduct for passing the periods in the intermediate prisons prescribed by the rules, and any delay in this qualification will have the effect of postponing his admission into the intermediate prisons, and thereby deferring to the same extent the remission of a portion of his sentence.

3. Convicts under sentence for "life" will not be eligible for consideration for remission under 12 years; in the event of their misconducting themselves they will not be elligible at so early a period, and may be retained even for "life."

4. According to the requirements of the colony of Western Australia, a certain number of convicts may be sent from this country from time to time; the selection will be made from the well conducted at about half the period of their sentence. Convicts under "life sentences" will not be eligible for removal until eight years from the date of their conviction.

5. It will be quite evident to the convicts that their future position depends upon their own exertions, and that the importance of the classification in force in the prisons and of the marks regulating it has been much increased by these rules.

6. It will be necessary, therefore, that each convict should make himself thoroughly acquainted both with these rules, and the classification which is to govern them, as quickly as possible, for which every facility will be afforded him. He will thus learn the importance of preserving a good character in Mountjoy prison as well as on the public works.

7. There may be exceptional cases and crimes of such a heinous description as to preclude offenders from being treated in the ordinary manner, these will be dealt with specially by the Government.

APPENDIX. No. 9a.

Extract from the Report of the Board of Superintendence of the City of Dublin Prisons.

"The following abstract gives the number of returned convicts committed for new offences in the year 1861, and to the 20th December 1862, showing how they were identified and disposed of."

	By whom identified.	How disposed of.			
		Total.	Penal Servitude.	Imprisonment.	Discharged.
Committed in 1861.	Officers of Richmond Bridewell -	33	9	22	2
	„ Convict Prisons - -	10	2	7	1
	Admitted by themselves - -	8	1	6	1
	Total - -	51	12	35	4
	Suspected but not identified - -	9	2	7	—
	Total No. of Individuals - -	60	14	42	4
Committed in 1862.	Officers of Richmond Bridewell -	27	9	15	3
	„ County Dublin Prison -	2	2	—	—
	„ Convict Prisons - -	1	—	1	—
	Admitted by themselves - -	3	1	1	1
	Total - -	33	12	17	4
	Suspected but not identified - -	6	—	3	3
	Total No. of Individuals - -	39	12	20	7

APPENDIX No. 10.

PAPERS delivered in by Capt. J. S. WHITTY.

A.

IRELAND.*

NUMBER of PERSONS COMMITTED or BAILED for TRIAL at Assizes and Quarter Sessions in 1862.

Number.			Convicted.	Acquitted.
Total.	Males.	Females.		
6,621	5,075	1,546	3,763	2,834*

* Exclusive of 24 persons found insane.

N.B.—The numbers used for Limerick County are those for the year 1861, the return for 1862 not having been received.

(Signed) J. CORRY CONNELLAN,
Inspector-General of Prisons.

* See other Irish Returns, App. No. 1. C., and App. Nos. 11 and 12.

B.

Ireland.

Return of the Number of Persons sentenced to Penal Servitude in Ireland in each Year from July 1, 1857, to December 31, 1862, inclusive, who had been previously sentenced either to Penal Servitude or Transportation, showing the Sentences passed upon the Re-conviction.

Sentences passed upon the Re-conviction.	From July 1 to December 31, 1857.			1858.			1859.			1860.			1861.			1862.			Grand Total, from July 1, 1857, to December 31, 1862.		
	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.
Penal Servitude:—																					
3 Years	2	2	4	9	6	15	6	2	8	3	5	8	6	9	15	13	10	23	39	34	73
4 Years	6	4	10	11	7	18	24	15	39	18	14	32	21	19	40	14	8	22	94	67	161
5 Years	1	—	1	—	—	—	4	—	4	3	—	3	3	5	8	18	20	38	29	25	54
6 Years	3	—	3	2	2	4	5	2	7	4	2	6	11	1	12	7	2	9	32	9	41
7 Years	1	—	1	7	7	14	5	2	7	9	6	15	19	6	25	8	4	12	49	25	74
8 Years	—	—	—	3	—	3	—	—	—	1	—	1	2	2	4	2	—	2	8	2	10
10 Years	3	—	3	7	1	8	4	1	5	4	2	6	4	1	5	13	5	18	35	10	45
14 Years	—	—	—	—	—	—	—	—	—	1	—	1	—	—	—	8	2	10	9	2	11
15 Years	2	—	2	1	—	1	—	—	—	—	—	—	—	—	—	2	2	4	5	2	7
Life	—	—	—	1	—	1	—	—	—	—	—	—	—	—	—	—	—	—	1	—	1
Totals	18	6	24	41	23	64	48	22	70	43	29	72	66	43	109	85	53	138	301	176	477

C.

IRELAND.

RETURN showing the NUMBER of MALE CONVICTS released on LICENCE from SMITHFIELD and LUSK PRISONS during each of the last Six Years, and their Disposal on Discharge from Prison.

Year.	Number released on Licence.	Placed under Supervision of the Constabulary.	Placed under Supervision of the Lecturer of Smithfield.	Gone Abroad, &c.	Number who have subsequently had their Licences revoked, or been re-convicted to Penal Servitude or Transportation before Expiration of Sentence.
1856 - -	114	47†	58	9	17
1857 - -	159	39	97	23	25
1858 - -	134	26	13	95	12
1859 - -	93	22	15	56	11
1860 - -	93	35	16	42	3
1861 - -	195	84	34	77	12
Total -	788	253	233	302	80

* Constabulary supervision was not established until January 1, 1857, consequently the number stated for the year 1856 were not under that supervision ; but they were located throughout the country, and communications partially carried on with them by the Superintendent of Smithfield Prison, who received letters monthly from the majority.

(Signed) J. S. WHITTY,
Director of Convict Prisons.

D.

IRELAND.

RETURN showing the NUMBER of MALE CONVICTS released on LICENCE from SPIKE ISLAND and PHILIPSTOWN PRISONS during each of the last Six Years, and their Disposal on Discharge from Prison.†

Year.	Number released on Licence.	Placed under Supervision of the Constabulary.	Placed under Supervision of the Lecturer of Smithfield.	Gone Abroad, &c.	Number who have subsequently had their Licences revoked, or been re-convicted to Penal Servitude or Transportation before Expiration of Sentence.
1856 - -	184	184‡	–	–	6
1857 - -	92	87	2	3	9
1858 - -	42	31	4	7	3
1859 - -	45	35	3	7	1
1860 - -	41	22	6	13	1
1861 - -	27	12	5	10	1
Totals -	431	371	20	40	21

‡ Constabulary supervision was not established until January 1, 1857, and the number stated for the year 1856 is merely inserted in order that the totals may correspond.

(Signed) J. S. WHITTY,
Director of Convict Prisons.

† See App. No. 12.

E.

Ireland.

Abstract of above Returns C. and D.

Return showing the Number of Male Convicts released on Licence from Smithfield, Lusk, Spike Island, and Philipstown Prisons, during each of the last Six Years, and their Disposal on Discharge from Prison.

Year.	Number released on Licence.	Placed under Supervision of the Constabulary.	Placed under Supervision of the Lecturer of Smithfield.	Gone Abroad, &c.	Number who have subsequently had their Licences revoked, or been re-convicted to Penal Servitude or Transportation before Expiration of Sentence.
1856 - -	298	231†	58	9	23
1857 - -	251	126	99	26	34
1858 - -	176	57	17	102	15
1859 - -	138	57	18	63	12
1860 - -	134	57	22	55	4
1861 - -	222	96	39	87	13
Totals -	1,219	624	253	342	101

† See notes on annexed Returns.

(Signed) J. S. Whitty,
Director of Convict Prisons.

F.

Ireland.

Supplemental Return showing the Number of Male Convicts released on Licence from Smithfield, Lusk, Spike Island, and Philipstown Prisons, during the Year 1862, and their disposal on discharge from Prison. (In continuation of the Returns C and D furnished on the 2nd January 1863, which extended only to the 31st December 1861.)

Prisons.	Number released on Licence.	Placed under Supervision of the Constabulary.	Placed under Supervision of the Lecturer of Smithfield.	Gone Abroad, &c.	Number who have subsequently had their Licences revoked, or been Re-convicted to Penal Servitude or Transportation before Expiration of Sentence.
Smithfield and Lusk	142	37	10	95	10
Spike Island and Philipstown -	18	8	8	2	2
Total -	160	45	18	97	12*

* Add 12 Convicts with Licences revoked, or re-convicted to Penal Servitude in 1862 before expiration of sentence, who had been released in previous years, as below,† making a total of 24.

† Released from Smithfield and Lusk—

In 1858 - - - - - - - - - -	1
In 1859 - - - - - - - - - -	1
In 1860 - - - - - - - - - -	1
In 1861 - - - - - - - - - -	6
Released from Spike Island or Philipstown—	
In 1860 - - - - - - - - - -	1
In 1861 - - - - - - - - - -	1
Released from Mountjoy in 1861 - - - - - - - - -	1
Total - - - -	12

(Signed) J. S. Whitty,
February 11, 1863. Director of Convict Prisons.

G.

Ireland.

RETURN of the NUMBER of MALE CONVICTS released under ORDERS of LICENCE in each Year from 1856 to 1861 inclusive, showing the Number returned to the Convict Prisons, either by having had their Licence revoked for trifling Offences, or being sentenced to Penal Servitude or Transportation.

Year.	Number licensed.	Number of Male Convicts who have been re-convicted or Licences revoked.												Total revoked.	Total re-convicted	Grand Total.	Per-centage	
		1856.		1857.		1858.		1859.		1860.		1861.						
		Revoked.	Re-convicted.	Revoked.	Re-convicted.	Revoked.	Re-convicted.	Revoked.	Re-convicted.	Revoked.	Re-convicted.	Revoked.	Re-convicted.				Revoked.	Re-convicted.†
1856 -	298	3	–	8	7	3	1	1	–	–	–	–	–	15	8	23	5	2·6
1857 -	252	–	–	7	1	8	8	4	1	3	–	–	–	24	10	34	9·5	4
1858 -	176	–	–	–	–	4	–	4	2	1	1	2	1	11	4	15	6·2	2·2
1859 -	140	–	–	–	–	–	–	2	1	4	4	–	1	6	6	12	4·2	4·2
1860 -	137	–	–	–	–	–	–	–	–	2	–	–	2	2	2	4	1·4	1·4
1861 -	224	–	–	–	–	–	–	–	–	–	–	11	2	11	2	13	4·9	·9
	1,227	3	–	15	8	15	9	11	4	10	5	15	6	69*	32	101	5·6	2·6

* Of this number 25 have had their licences revoked for leading an irregular life, or not complying with conditions of licence, as to reporting themselves periodically to police, &c.

† Cases in which the convict has been re-convicted, and the licence also revoked, are included under the former head.

(Signed) J. S. WHITTY, Director of Convict Prisons.

H.

Ireland.

SUPPLEMENTAL RETURN of the NUMBER of MALE CONVICTS released under ORDERS of LICENCE from the Year 1856 to the Year 1862 inclusive, showing the Number returned to the Convict Prisons, either by having had their Licences revoked for trifling Offences, or being sentenced to Penal Servitude or Transportation. (In continuation of the Return G., furnished on the 2nd January 1863, which extended only to the Year 1861.)

Year.	Number Licensed.	Total Number of Male Convicts who have been re-convicted or Licences revoked from 1856 to 1861 inclusive, as detailed in previous Return No. 2, furnished on 2nd January 1863.		Number of Male Convicts who have been re-convicted or Licences revoked in 1862.		Total revoked to 31st December 1862.	Total re-convicted to 31st December 1862.	Grand Total.	Per-centage.	
		Revoked.	Re-convicted.	Revoked.	Re-convicted.				Revoked.	Re-convicted. †
1856	298	15	8	—	—	15	8	23	5	2·6
1857	252	24	10	—	—	24	10	34	9·5	4
1858	176	11	4	—	1	11	5	16	6·2	2·8
1859	140	6	6	—	1	6	7	13	4·2	5
1860	137	2	2	1	1	3	3	6	2·1	2·1
1861	224	11	2	4	4	15	6	21	6·7	2·6
1862	161	—	—	7	5	7	5	12	4·3	3·1
	1,388	69	32	12	12	81*	44	125	5·8	3·1

* Of this number 34 had their licences revoked for leading an irregular life, or not complying with conditions of licence, as to reporting themselves periodically to police, &c.

† Cases where the convict has been re-convicted and the licence also revoked are included under the former head.

(Signed) J. S. WHITTY,
Director of Convict Prisons.

February 11, 1863.

I.

Ireland.

RETURN of the NUMBER of FEMALE CONVICTS released under ORDERS of LICENCE in each Year from 1856 to 1861 inclusive, showing the Number returned to the Convict Prisons, either by having their Licences revoked for trifling Offences, or being sentenced to Penal Servitude or Transportation.

Year.	Number licenced.	Number of Female Convicts who have been re-convicted or Licences revoked.												Total revoked.	Total re-convicted.	Grand Total.	Per-centage.	
		1856.		1857.		1858.		1859.		1860.		1861.						
		Revoked.	Re-convicted.	Revoked.	Re-convicted.	Revoked.	Re-convicted.	Revoked.	Re-convicted.	Revoked.	Re-convicted.	Revoked.	Re-convicted.				Revoked.	Re-convicted.†
1856 -	51	–	–	1	–	–	–	–	–	–	–	–	–	1	–	1	2	–
1857 -	46	–	–	1	1	1	1	–	–	–	1	–	–	2	3	5	4·3	6·5
1858 -	113	–	–	–	–	3	–	5	–	–	–	–	–	8	–	8	7	–
1859 -	100	–	–	–	–	–	–	1	–	1	–	1	–	2	1	3	2	1
1860 -	75	–	–	–	–	–	–	–	–	2	–	2	–	4	–	4	5·3	–
1861 -	68	–	–	–	–	–	–	–	–	–	–	2	–	2	–	2	2·9	–
	453	–	–	2	1	4	1	6	–	3	1	4	1	19*	4	23	4·2	·9

* Of this number 17 have had their licences revoked for misconduct in the Refuges.
† Cases in which the convict has been re-convicted, and the licence also revoked, are included under the former head.

(Signed) J. S. WHITTY,
Director of Convict Prisons.

K.

Ireland.

SUPPLEMENTAL RETURN of the NUMBER of FEMALE CONVICTS released under ORDERS of LICENCE from the Year 1856 to the Year 1862 inclusive, showing the Number returned to the Convict Prisons, either by having had their Licence revoked for trifling Offences, or being sentenced to Penal Servitude or Transportation. (In continuation of the Return I., furnished on the 2nd January 1863, which extended only to the Year 1861.)

Years.	Number Licensed.	Total Number of Female Convicts who have been re-convicted or Licences revoked from 1856 to 1861 inclusive, detailed in previous Return No. 2, furnished on 2nd January 1863.		Number of Female Convicts who have been re-convicted or Licences revoked in 1862.		Total revoked to 31st December 1862.	Total re-convicted to 31st December 1862.	Grand Total.	Per-centage.	
		Revoked.	Re-convicted.	Revoked.	Re-convicted.				Revoked.	Re-convicted. †
1856	51	1	—	—	—	1	—	1	2	
1857	46	2	3	—	—	2	3	5	4·3	6·5
1858	113	8	—	—	—	8	—	8	7	–
1859	100	2	1	—	—	2	1	3	2	1
1860	75	4	—	—	—	4	—	4	5·3	–
1861	68	2	—	6	—	8	—	8	11·7	–
1862	57	—	—	1	—	1	—	1	1·7	–
	510	19	4	7	—	26*	4	30	5	·8

* Of this number 21 have had their licences revoked for misconduct in the Refuges.
† Cases in which the convict has been re-convicted, and the licence also revoked, are included under the former head.

(Signed) J. S. WHITTY,
February 11, 1863. Director of Convict Prisons.

L.

Ireland.

Return showing the Number of Female Convicts received on Licences at the Refuges during each of the last Six Years, and the Number who went abroad in each Year before Expiration of Sentence (of those received within the Year referred to).

Year.	Number received at the Refuges on Orders of Licence.	Gone abroad in each Year before the Expiration of Sentence.	Number who have subsequently had their Licences revoked, or been re-convicted to Penal Servitude or Transportation before Expiration of Sentence.
1856 - -	51	–	1
1857 - -	46	–	5
1858 - -	113	1	8
1859 - -	95	–	1
1860 - -	73	1	4
1861 - -	63	–	2
Total - -	441	2	21

* It has not been the practice to allow female prisoners to leave the Refuges until after a year's detention.

(Signed) J. S. Whitty,
Director of Convict Prisons.

M.

Ireland.

Supplemental Return showing the Number of Female Convicts received on Licences at the Refuges during the Year 1862; and the Number who went abroad in the same Year before the Expiration of Sentence (of those received within the Year 1862). (In continuation of the Return L., furnished on the 2nd January 1863, which extended only to the 31st December 1861.)

Year.	Number received at the Refuges on Orders of Licence.	Gone abroad before the Expiration of Sentence.*	Number who have subsequently had their Licences revoked, or been re-convicted to Penal Servitude or Transportation before Expiration of Sentence.
1862 - -	49	—	1*

* Add 4 female convicts with licences revoked in 1862 who had been received at the Refuges in 1861, making a total of 5.

(Signed) J. S. Whitty,
February 11, 1863. Director of Convict Prisons.

N.

Ireland.

Return of the Number of Convicts sentenced under the Penal Servitude Act of July 1857, who have been discharged up to the 1st October 1862, showing those who have obtained the Full Period of Remission; those who have Forfeited a Portion of their Remission; and the Number who have regained any Portion of their Forfeiture by subsequent Good Conduct.

Name of Prison.	Number of Prisoners who have obtained full Period of Remission.	Time forfeited.						Total Number of Convicts discharged.	Those who have regained any Portion of their Forfeiture by subsequent good Conduct.	Remarks.
		1 Month and under.	2 Months and over 1 Month.	3 Months and over 2 Months.	4 Months and over 3 Months.	Above 4 Months and under entire Forfeiture.	Entire Forfeiture.			
Smithfield and Lusk	103	56	40	33	15	23	4	274	77	Intermediate prisons.
Spike Island	—	1	6	1	—	1	28	37	9	The prisoners discharged from Spike Island are chiefly exceptional cases, not eligible for intermediate prisons.
„ on commutation of sentence	—	—	—	—	—	—	—	28	—	
								65		
Philipstown	—	2	—	1	—	—	9	12	2	The prisoners discharged from Philipstown are chiefly exceptional cases, not eligible for intermediate prisons.
„ on medical and other special grounds of commutation.	—	—	—	—	—	—	—	6	—	
								18		
Mountjoy, Male	—	—	1	—	—	—	27	28	—	The prisoners discharged from Mountjoy, Male, are chiefly exceptional cases, not eligible for intermediate prisons.
„ on Licence, special	—	—	—	—	—	—	—	1	—	
								29		
Total number of Male Convicts discharged	103	59	47	35	15	24	68	386	88	
Mountjoy, Female, on licence to Refuges	51	29	11	3	1	2	—	97	41	
„ otherwise on Licence	—	—	1	1	—	1	—	3	2	
„ discharged direct from prison	—	—	—	—	—	—	46	46	—	Ineligible for refuge on account of misconduct.
„ sentences commuted on medical grounds.	—	—	—	—	—	—	—	10	—	
„ eligible for refuge by conduct, but unfit on other grounds.	—	—	—	—	—	—	—	48	—	
Total number of Female Convicts discharged	51	29	12	4	1	3	46	204	43	

(Signed) J. S. Whitty, Director of Convict Prisons.

O.—Ireland.

Supplemental Return of the Number of Convicts sentenced under the Penal Servitude Act of 1857, who have been discharged between the 1st October 1862, and the 31st December 1862, showing those who have obtained the Full Period of Remission; those who have forfeited a Portion of their Remission; and the Number who have regained any Portion of their Forfeiture by subsequent Good Conduct. (In continuation of the Return N, furnished on the 2nd January 1863, which extended only to the 1st October 1862.)

Name of Prison.	Number of Prisoners who have obtained full Period of Remission.	Time Forfeited.						Total Number of Convicts discharged.	Those who have regained any Portion of their Forfeiture by subsequent Good Conduct.	Remarks.
		1 Month and under.	2 Months and over 1 Month.	3 Months and over 2 Months.	4 Months and over 3 Months.	Above 4 Months and under entire Forfeiture.	Entire Forfeiture.			
Smithfield and Lusk - -	7	5	2	4	—	6	—	24	11	Intermediate prisons.
Spike Island - - - -	—	2	1	2	1	1	5	12	6	The prisoners discharged from Spike Island are chiefly exceptional cases not eligible for intermediate prisons.
Mountjoy, Male - - -	—	—	—	—	—	—	1	1	—	Ditto, Mountjoy.
Total number of Male Convicts discharged - - - -	7	7	3	6	1	7	6	37	17	
Mountjoy, Female—										
Discharged on licence to Refuges -	3	2	5	3	1	2	—	21	15	
Ditto, direct from prison - -	—	—	—	—	—	—	8	8	—	Ineligible for Refuges on account of misconduct.
Ditto, eligible by conduct in prison but unfit on other grounds.	—	—	—	—	—	—	—	6	—	
Total number of Female Convicts discharged - - - -	8	2	5	3	1	2	8	35	15	

February 11, 1863.

(Signed) J. S. Whitty, Director of Convict Prisons.

P.

IRELAND.

RETURN of the NUMBER of CONVICTS now in the IRISH CONVICT PRISONS, who at any former Period have been subjected to a Sentence of Transportation or Penal Servitude, stating whether discharged from the Intermediate Prisons and Female Refuges, or from the Ordinary Prisons.

	Males.		Females.	
Spike Island Prison	179		—	
Smithfield and Lusk Intermediate Prisons	12		—	
Mountjoy Male Prison	86	277	—	145
Mountjoy Female Prison	—		145	
Discharged from intermediate Prisons or Refuges	101	277	41	145
Ditto from ordinary convict prisons	176		104	
Discharged conditionally (on licence)	56	277	43	145
Ditto, unconditionally	221		102	

1. Of the above numbers the former convictions of a large number occurred previously to 1855.

2. Since June 1859, the greater number of those who have been re-convicted have been *recognized in the county prisons before trial*, and *notified to the Judges as* App. No. 10 W. "*habitual offenders*" (in the manner shown in the annexed memorandum,* with forms attached), the result being, in very many instances, the return to the convict prisons of criminals who might otherwise have received sentences of imprisonment only.

3. The total number of convicts in the convict prisons at the date of this return was, males 1,079, females 433.

4. It will be seen, on reference to the annexed return, that out of 4,643 convicts discharged within the six years ending 31st December, 1861, only 460 had returned to the convict prisons, being a per-centage of less than 10 per cent.

(Signed) J. S. WHITTY,
Director of Convict Prisons.

Q.

IRELAND.

RETURN of the NUMBER of PRISONERS now under SENTENCE in the Irish County or City Gaols, who at any former Period have been subjected to a Sentence of Transportation or Penal Servitude, stating whether discharged from the Intermediate Prisons and Female Refuges, or from the ordinary Prisons, on the 1st October 1862.

	Males.	Females.
Total of the above	37	22
Discharged from intermediate prisons or female refuges	16	5
Ditto, from ordinary convict prisons	21	17
Discharged conditionally (on licence)	12	5
Ditto, unconditionally	25	17

(Signed) J. S. WHITTY,
Director of Convict Prisons.

R.

Ireland.

Return showing the Total Number of Convicts discharged from the Convict Prisons in the Six Years from 1856 to 1861 inclusive, on Licence or otherwise, and the Number of the above who have returned in any way to the Convict Prisons within the above Period, distinguishing those of the latter who had been discharged from Intermediate Prisons or Female Refuges.

—	Numbers discharged from 1856 to 1861 inclusive.			Re-committed to Convict Prison.			Per-centage of Re-committals on Numbers discharged.	Number of Re-committed Prisoners who had been discharged from Intermediate Prisons or Female Refuges.
	On Licence.	Absolutely discharged.	Total.	Licences Revoked.	Re-convicted.	Total.		
Males -	1,227	2,321	3,548	69	227	296	8·3	76
Females -	453	642	1,095	19	145	164	14·9	23
Total -	1,680	2,963	4,643	88	372	460	9·9	99

(Signed) J. S. Whitty,
Director of Convict Prisons.

S.

IRELAND.

EXPENDITURE OF THE

ABSTRACT showing under each Head of Service the Amount taken in the Estimates for the diture, the Average Daily Numbers,

Heads of Service.	Separate Confinement. Mountjoy Prison. Estimate for 530 Convicts.	Separate Confinement. Mountjoy Prison. Expenditure. Average daily Number, 282.	Public Works. Spike Island Prison. Estimate for 1,000 Convicts.	Public Works. Spike Island Prison. Expenditure. Average daily Number, 614.	Invalids. Philipstown Prison. Estimate for 400 Convicts.	Invalids. Philipstown Prison. Expenditure. Average daily Number, 216.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Salaries, principal officers	1,520 0 0	1,512 5 1	2,205 6 0	2,315 0 0	1,280 0 0	1,280 0 0
Cost per prisoner	2 17 4	5 7 3	2 4 1	3 15 5	3 4 0	5 18 6
Wages, inferior officers	1,855 0 0	1,861 7 7	5,315 0 0	4,841 19 1	1,851 0 0	1,736 18 0
Cost per prisoner	3 10 0	6 12 0	5 6 4	7 17 9	4 12 6	8 0 9
Wages, manufacture department	90 0 0	83 14 2	- - -	- - -	270 0 0	270 0 0
Cost per prisoner	0 3 5	0 6 0	- - -	- - -	0 13 6	1 5 0
	3,465 0 0	3,457 6 10	7,520 6 0	7,156 19 1	3,401 0 0	3,286 18 0
	6 10 9	12 5 3	7 10 5	11 13 2	8 10 1	5 14 4
Rations to officers	- - -	11 16 10	952 0 0	785 17 2	425 12 0	424 12 9
Cost per prisoner	- - -	0 0 10	0 19 0	1 5 7	1 1 3	1 19 3
Uniform for officers	188 14 0	256 6 5	553 10 0	765 4 9	229 10 0	266 13 6
Cost per prisoner	0 7 1	0 18 2	0 11 1	1 4 11	0 11 6	1 4 8
Victualling prisoners	3,789 10 0	2,143 18 4	8,775 0 0	4,731 7 11	3,439 0 0	1,725 2 4
Cost per prisoner	7 3 6	7 12 1	8 15 6	7 14 1	8 11 6	7 19 8
Clothing prisoners	768 10 0	695 8 9	1,500 0 0	1,757 2 9	640 0 0	469 13 4
Cost per prisoner	1 9 0	2 9 4	1 10 0	2 17 3	1 12 0	2 3 6
Bedding prisoners	- - -	- - -	250 0 0	29 17 10	50 0 0	34 10 1
Cost per prisoner	- - -	- - -	0 5 0	0 1 0	0 2 6	0 3 2
Medicines and surgical instruments.	40 0 0	41 15 0	65 0 0	41 13 1	40 0 0	19 18 4
Cost per prisoner	0 1 6	0 2 11	0 1 4	0 1 4	0 2 0	0 1 10
Medical comforts, extras for sick	40 0 0	49 18 5	130 0 0	16 9 6	60 0 0	84 5 8
Cost per prisoner	0 1 6	0 3 6	0 2 7	0 0 6	0 3 0	0 7 9
Clothing, &c., on liberation	10 0 0	60 5 11	400 0 0	170 12 1	150 0 0	110 13 9
Cost per prisoner	0 0 4	0 4 3	0 8 0	0 5 7	0 7 6	0 10 3
Gratuities to convicts	- - -	- - -	1,573 0 0	148 13 8	50 0 0	92 14 3
Cost per prisoner	- - -	- - -	1 11 5	0 6 0	0 2 6	0 8 7
Furniture and fittings	127 5 0	78 18 4	50 0 0	24 3 11	50 0 0	48 1 7
Cost per prisoner	0 4 10	0 5 7	0 1 0	0 0 9	0 2 6	0 4 5
Kitchen utensils, cookery, &c.	50 0 0	- - -	20 0 0	10 6 4	20 0 0	- - -
Cost per prisoner	0 1 11	- - -	0 0 5	0 0 4	0 1 0	- - -
Fuel and light	620 0 0	823 1 5	1,296 0 0	967 16 4	400 0 0	468 11 9
Cost per prisoner	1 3 5	2 18 5	1 5 11	1 11 6	1 0 0	2 3 4
Washing and repairs of linen	250 0 0	201 6 2	50 0 0	600 8 10	50 0 0	200 1 0
Cost per prisoner	0 9 5	0 14 4	0 1 0	0 19 7	0 2 6	0 18 6
Soap, scouring, and cleaning articles.	70 0 0	51 16 4	70 0 0	39 10 0	30 0 0	54 0 0
Cost per prisoner	0 2 7	0 3 8	0 1 5	0 1 3	0 1 6	0 5 0
Brushes, brooms, and mops	50 0 0	43 14 0	50 0 0	24 19 5	20 0 0	13 8 5
Cost per prisoner	0 1 11	0 3 1	0 1 0	0 0 10	0 1 0	0 1 3
Funeral expenses	8 0 0	0 14 0	15 0 0	2 5 0	15 0 0	3 15 10
Cost per prisoner	0 0 4	- - -	0 0 4	0 0 1	0 0 9	0 0 4
Various small disbursements	130 0 0	122 15 1	500 0 0	312 7 9	100 0 0	184 10 0
Cost per prisoner	0 5 0	0 8 0	0 10 0	0 10 2	0 5 0	0 17 0
Rents, rates, and taxes	180 0 0	40 0 0	- - -	- - -	75 0 0	59 11 9
Cost per prisoner	0 6 10	0 2 10	- - -	- - -	0 3 9	0 5 6
Gross total estimated, and actual cost of maintenance.	9,786 19 0	8,079 1 10	23,769 16 0	17,621 15 5	9,236 2 0	7,547 3 2
Ditto ditto cost per prisoner.	18 9 3	28 12 11	23 15 4	28 13 11	23 1 9	34 18 9
Direct value of labour, &c.	- - -	936 8 11	- - -	13,240 9 6	- - -	2,047 3 8
Net estimated and actual cost of maintenance.	- - -	7,142 12 11	- - -	4,381 5 11	- - -	5,399 19 6
Ditto ditto per prisoner.	- - -	25 6 6	- - -	7 2 8	- - -	24 19 11

* † and ‡ in the column of "Summary." The low number of prisoners increases excessively the rate of cost in item *—distributed through the prisons—would render necessary but a slight increase in aggregate amount sideration led to the closing of Philipstown Prison (above included) and distribution of the prisoners, and con-

§ ‖ and ¶.—Column of Smithfield and Lusk prisons. The male convicts being mostly discharged from these tion" (§) and "Gratuities" (‖) falls upon those establishments, making the rate per man on those two items alone The low corresponding rates for these items in the other prisons exemplify this point at once.

The average total daily number in these two prisons was only 96, but 217 passed through them for discharge average number (96) could be doubled without materially increasing the cost of officers. See note, * † and ‡.

\- - - - - S.

IRELAND.

IRISH CONVICT PRISONS.

for the Maintenance of the Convict Prisons for the Year 1859-60, together with the Expen- and Actual Cost of each Prisoner.

Intermediate Prisons. Smithfield and Lusk Prisons.		Females. Mountjoy Female Convict Prison.		Summary.		Heads of Service.
Estimate for 200 Convicts.	Expenditure. Average daily Number, 96.	Estimate for 600 Convicts.	Expenditure. Average daily Number, 464.	Estimate for 2,730 Convicts.	Expenditure. Average daily Number, 1,672.*	
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
388 0 0	824 2 6	975 0 0	975 0 0	6,813 6 0	6,906 7 7	Salaries, principal officers
4 3 9	8 11 8	1 12 6	2 2 0	2 9 11	4 2 7	Cost per prisoner.
556 0 0	498 1 4	1,811 0 0	1,788 13 10	11,388 0 0	10,726 19 10	Wages, inferior officers.
2 15 7	5 3 9	3 0 5	3 17 1	4 3 5	6 8 3	Cost per prisoner.
- - -	- - -	- - -	- - -	360 0 0	353 14 2	Wages, manufacture department.
- - -	- - -	- - -	- - -	0 2 8	0 4 2	(† Cost per prisoner.
1,394 0 0	1,322 3 10	2,786 0 0	2,763 13 10	18,566 6 0	17,987 1 7	
6 19 4	13 15 5	4 12 6	5 19 1	6 16 0	10 15 2	
114 15 0	115 17 6	312 0 0	295 3 3	1,804 7 0	1,633 7 6	Rations to officers.
0 11 5	1 4 1	0 10 5	0 12 9	0 13 2	0 19 6	Cost per prisoner.
75 12 0	56 0 0	45 18 0	61 9 9	1,093 4 0	1,405 15 2	Uniform for officers.
0 7 6	0 11 8	0 1 6	0 2 8	0 8 0	0 16 9	Cost per prisoner.
1,920 0 0	999 1 3	3,660 0 0	3,002 10 11	21,574 10 0	12,602 0 9	Victualling prisoners.
9 12 0	10 8 1	6 2 0	6 9 5	7 18 0	7 10 9	Cost per prisoner.
360 0 0	427 15 13	900 0 0	551 2 5	4,168 10 0	3,901 3 1	Clothing prisoners.
1 16 0	4 9 1	1 10 0	1 3 9	1 10 0	2 6 8	Cost per prisoner.
- - -	4 19 0	60 0 0	39 7 7	360 0 0	108 14 6	Bedding prisoners.
- - -	0 1 0	0 2 0‡	0 1 8	0 2 8	0 1 3	Cost per prisoner.
15 0 0	12 16 4	50 0 0	44 8 11	210 0 0	160 11 8	Medicines and surgical instruments.
0 1 6	0 2 8	0 1 8	0 1 11	0 1 6	0 1 11	Cost per prisoner.
20 0 0	1 1 5	80 0 0	64 11 11	330 0 0	216 6 11	Medical comforts, extras for sick.
0 2 0	0 0 2	0 2 8	0 2 9	0 2 5	0 2 7	Cost per prisoner.
600 0 0	463 12 3	350 0 0	387 14 7	1,510 0 0	1,192 18 7	Clothing, &c., on liberation.
3 0 0	4 16 7§	0 11 8	0 16 9	0 11 0	0 14 3	Cost per prisoner.
500 0 0	1,684 6 6	260 0 0	418 15 4	2,383 0 0	2,380 9 9	Gratuities to convicts.
2 10 0	17 10 10‖	0 8 8	0 18 1	0 17 5	1 8 5	Cost per prisoner.
50 0 0	13 7 9	180 0 0	54 9 0	457 5 0	219 0 7	Furniture and fittings.
0 5 0	0 2 9	0 6 0	0 2 4	0 3 4	0 2 7	Cost per prisoner.
20 0 0	8 14 11	30 0 0	18 17 5	140 0 0	37 18 8	Kitchen utensils,cookery,&c.
0 2 0	0 1 9	0 1 0	0 0 10	0 1 0	0 0 6	Cost per prisoner.
180 0 0	191 9 8	1,000 0 0	864 15 10	3,496 0 0	3,315 15 0	Fuel and light,
0 18 0	1 19 10	1 13 4	1 17 1	1 5 7	1 19 8	Cost per prisoner.
- - -	39 13 5	5 0 0	451 14 5	355 0 0	1,493 3 10	Washing and repairs of linen.
- - -	0 8 5	0 0 2	0 19 6	0 2 7	0 17 10	Cost per prisoner.
40 0 0	12 4 9	30 0 0	69 19 2	240 0 0	227 10 3	Soap, scouring, and cleaning articles.
0 4 0	0 2 6	0 1 0	0 3 0	0 1 9	0 2 8	Cost per prisoner.
5 0 0	46 14 7	5 0 0	59 7 2	130 0 0	188 13 7	Brushes, brooms, and mops.
0 0 6	0 9 8	0 0 2	0 2 7	0 0 11	0 2 8	Cost per prisoner.
1 0 0	- - -	5 0 0	11 1 6	44 0 0	17 16 4	Funeral expenses.
0 0 1	- - -	0 0 2	0 0 6	- - -	0 0 2	Cost per prisoner.
100 0 0	101 18 1	20 0 0	136 2 11	850 0 0	857 4 8	Various small disbursements.
0 10 0	1 1 2	0 0 8	0 5 11	0 6 2	0 10 3	Cost per prisoner.
99 11 0	10 0 0	10 0 0	182 14 8	364 11 0	292 6 5	Rents, rates, and taxes.
0 9 11	0 2 1	0 0 4	0 7 11	0 2 8	0 3 6	Cost per prisoner.
5,494 18 0	5,511 17 10	9,788 18 0	9,478 0 7	58,076 13 0	48,237 18 10	Gross estimated, and actual cost of maintenance.
27 9 5	57 8 3¶	16 6 4	20 8 6	21 5 5	28 17 0‡	Ditto ditto cost per prisoner.
- - -	1,965 8 1	- - -	1,838 9 10	- - -	20,028 0 0	Deduct value of labour, &c.
- - -	3,546 9 9	- - -	7,639 10 9	- - -	28,209 18 10	Net estimated, and actual cost of maintenance.
- - -	36 18 10	- - -	16 9 3	- - -	16 17 5	Ditto ditto per prisoner.

per man, as the staff of officers cannot be proportionately reduced. For instance, an increase of 1,000 prisoners of salaries, &c. (†), while it would reduce the gross rate per man (‡) from 28*l.* 17*s.* to about 24*l.* 3*s.* This consequent saving of expense of officers' salaries, in March, 1862.
intermediate prisons, the bulk of expenditure for "Clothing and travelling expenses for prisoners on libera- apparently 22*l.* 7*s.* 5*d.*, and thus increasing the apparent total cost per man (¶) in these prisons to 57*l.* 8*s.* 3*d.*

within the year; the average per man on that number for items § and ‖ being 9*l.* 18*s.* The above daily

(Signed) J. S. WHITTY, Director of Convict Prisons.

T.

IRELAND.

EXPENDITURE OF THE

RETURN showing under each Head of Service the Amounts taken in the Estimates for the the Average Daily Number, and

Heads of Service.	Separate Confinement. Mountjoy Prison. Estimated for 400 Convicts.	Separate Confinement. Mountjoy Prison. Expenditure. Average daily Number, 236.	Public Works. Spike Island Prison. Estimated for 800 Convicts.	Public Works. Spike Island Prison. Expenditure. Average daily Number, 605.	Invalids. Philipstown Prisons. Estimated for 300 Convicts.	Invalids. Philipstown Prisons. Expenditure. Average daily Number, 156.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Salaries, principal officers	1,530 0 0	1,530 0 9	2,205 0 0	2,405 0 0	980 0 0	980 0 0
Cost per prisoner	3 16 1	6 9 8	2 15 2	3 19 6	3 5 4	6 0 4
Wages, inferior officers	1,873 0 0	1,862 8 6	4,732 0 0	4,597 13 1	1,615 0 0	1,463 16 5
Cost per prisoner	4 13 9	7 17 10	5 18 4	7 12 0	5 7 8	9 15 11
Wages, manufacturing department.	90 0 0	90 0 0	- - -	- - -	180 0 0	180 0 0
Cost per prisoner	0 4 6	0 7 8	- - -	- - -	0 12 0	1 3 1
	3,493 0 0	3,482 8 6	6,937 6 0	7,002 13 1	2,775 0 0	2,623 16 5
	8 14 4	14 15 2	8 13 5	11 11 6	9 5 0	16 16 4
Rations to officers	13 4 0	13 12 0	833 0 0	800 1 10	357 4 0	357 6 1
Cost per prisoner	0 0 9	0 1 2	1 0 10	1 6 5	1 3 10	2 5 9
Uniform for officers	111 0 0	200 7 6	431 10 0	381 2 2	189 0 0	158 3 3
Cost per prisoner	0 5 7	0 17 0	0 12 1	0 12 7	0 12 7	1 0 3
Victualling prisoners	3,200 0 0	1,874 17 7	7,020 0 0	5,036 17 10	2,557 10 0	1,306 5 2
Cost per prisoner	8 0 0	7 18 11	8 15 6	8 16 6	8 10 6	8 7 5
Clothing prisoners	580 0 0	623 10 2	1,200 0 0	1,247 6 10	450 0 0	335 9 8
Cost per prisoner	1 9 0	2 12 10	1 10 0	2 1 3	1 10 0	2 3 0
Bedding prisoners	30 0 0	- - -	200 0 0	96 19 1	22 10 0	15 4 8
Cost per prisoner	0 1 6	- - -	0 5 0	0 3 2	0 1 6	0 1 11
Medicines and surgical instruments.	35 0 0	41 9 5	52 0 0	52 1 10	25 0 0	20 2 4
Cost per prisoner	0 1 9	0 3 6	0 1 4	0 1 9	0 1 8	0 2 7
Medical comforts, extras for sick	52 0 0	34 6 6	104 0 0	27 3 10	70 0 0	46 5 2
Cost per prisoner	0 2 7	0 2 11	0 2 7	0 0 11	0 4 8	0 5 11
Clothing, &c. of prisoners on liberation.	20 0 0	62 16 8	300 0 0	79 8 3	100 0 0	95 6 10
Cost per prisoner	0 1 0	0 5 4	0 7 6	0 2 7	0 6 8	0 12 2
Gratuities to convicts	10 0 0	28 5 4	1,259 0 0	192 10 0	50 0 0	170 14 11
Cost per prisoner	0 0 6	0 2 5	1 11 6	0 6 4	0 3 4	1 1 10
Furniture and fittings	55 0 0	67 10 4	40 0 0	56 6 10	- - -	- - -
Cost per prisoner	0 2 10	0 5 8	0 1 0	0 1 10	- - -	- - -
Kitchen utensils, cookery, &c.	20 0 0	- - -	16 0 0	17 1 11	20 0 0	17 8 8
Cost per prisoner	0 1 0	- - -	0 0 5	0 0 7	0 1 4	0 2 3
Fuel and light	1,000 0 0	605 14 6	1,296 0 0	1,002 3 5	450 0 0	624 13 0
Cost per prisoner	2 10 0	2 11 4	1 12 5	1 13 1	1 10 0	4 0 1
Washing and repairs of linen	- - -	147 0 4	50 0 0	692 3 3	50 0 0	78 11 0
Cost per prisoner	- - -	0 12 6	0 1 3	1 2 9	0 3 4	0 10 1
Soap, scouring and cleaning articles	60 0 0	76 14 6	60 0 0	33 8 9	30 0 0	80 10 0
Cost per prisoner	0 3 0	0 6 6	0 1 6	0 1 1	0 2 0	0 10 1
Brushes, brooms, mops	45 0 0	32 1 6	40 0 0	41 1 8	20 0 0	19 10 4
Cost per prisoner	0 2 3	0 2 8	0 1 0	0 1 4	0 1 4	0 2 6
Funeral expenses	8 0 0	1 19 0	12 0 0	0 7 6	10 0 0	1 5 4
Cost per prisoner	0 0 5	0 0 2	0 0 4	- - -	0 0 8	0 0 2
Various small disbursements	100 0 0	148 18 11	400 0 0	349 7 10	100 0 0	163 18 7
Cost per prisoner	0 5 0	0 12 7	0 10 0	0 11 6	0 6 8	1 1 0
Rents, rates, and taxes	40 0 0	40 0 0	100 0 0	100 0 0	25 0 0	21 0 0
Cost per prisoner	0 2 0	0 3 5	0 2 6	0 3 4	0 1 8	0 2 8
Gross total estimated and actual cost of maintenance.	8,872 4 0	7,481 12 9	20,400 16 0	17,205 5 11	7,301 4 0	6,135 11 1
Ditto ditto cost per prisoner.	22 3 7	31 14 0	25 10 0	28 8 9	24 6 8	39 6 7
Deduct value of labour, &c.	- - -	911 12 0	- - -	13,105 2 2	- - -	1,341 17 5
Net estimated and actual cost of maintenance.	- - -	6,570 0 9	- - -	4,100 3 9	- - -	4,793 13 8
Ditto ditto per prisoner.	- - -	27 16 9	- - -	6 15 6	- - -	30 14 6

* † and ‡ in the column of "Summary." The low number of prisoners increases excessively the rate of prisoners in item *—distributed through the prisons—would render necessary but a slight increase in the about 24*l.* 15*s.* This consideration led to the closing of Philipstown prison (above included) and distribution

§ ‖ ¶—column of Smithfield and Lusk prisons. The male prisoners being mostly discharged from Liberation," (§) and "Gratuities," (‖) fall upon those establishments, making the rate per man on those two prisons to 51*l.* 14*s.* 5*d.* The low corresponding rates for these items in the other prisons exemplify this point at

The average total daily number in these two prisons was only 108, but 254 passed through them for discharge daily average number (108) could be doubled without materially increasing the cost for officers. See

\- - - - - T.

IRELAND.

IRISH CONVICT PRISONS.

Maintenance of the Convict Prisons for the Year 1860–61, together with the Expenditure, Actual Cost of each Prisoner.

Intermediate Prisons. Smithfield and Lusk Prisons.		Females. Mountjoy Female Convict Prison.		Summary.		Heads of Service.
Estimated for 200 Convicts.	Expenditure. Average daily Number, 108.	Estimated for 550 Convicts.	Expenditure. Average daily Number, 416.	Estimate for 2,250 Convicts.	Expenditure. Average daily Number, 1,521 *	
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
838 0 0	838 0 0	985 0 0	985 0 0	6,538 6 0	6,738 0 0	Salaries, principal officers.
4 3 9	7 15 2	1 15 10	2 7 4	2 18 1	4 8 7	Cost per prisoner.
569 0 0	569 0 0	1,816 0 0	1,770 15 3	10,605 0 0	10,203 13 3	Wages, inferior officers.
2 16 10	4 14 3	3 6 0	4 5 1	4 14 3	6 14 2	Cost per prisoner.
- - -	- - -	- - -	- - -	270 0 0	270 0 0	Wages, manufacturing department.
- - -	- - -	- - -	- - -	0 2 5	0 3 6	Cost per prisoner. (†)
1,407 0 0	1,347 0 0	2,801 0 0	2,755 15 3	17,413 6 0	17,211 13 3	
7 0 8	12 9 5	5 1 10	6 12 5	7 14 9	11 6 4	
130 18 0	125 1 0	316 16 0	308 17 0	1,651 2 0	1,604 17 11	Rations to officers.
0 13 1	1 3 1	0 11 6	0 14 10	0 14 8	1 1 1	Cost per prisoner.
47 12 0	61 4 1	39 3 0	73 4 11	868 5 0	874 1 11	Uniform for officers.
0 4 9	0 11 4	0 1 5	0 3 6	0 7 8	0 11 5	Cost per prisoner.
2,000 0 0	1,105 16 0	3,575 0 0	2,852 1 10	18,352 10 0	12,175 18 5	Victualling prisoners.
10 0 0	10 4 6	6 10 0	6 17 1	8 3 1	8 0 1	Cost per prisoner.
370 0 0	446 19 9	825 0 0	570 15 1	3,425 0 0	3,224 1 6	Clothing prisoners.
1 17 0	4 2 9	1 10 0	1 7 5	1 10 5	2 2 4	Cost per prisoner.
- - -	2 17 4	55 0 0	56 5 4	307 10 0	171 6 5	Bedding prisoners.
- - -	0 0 6	0 2 0	0 2 9	0 2 9	0 2 3	Cost per prisoner.
20 0 0	9 12 1	50 0 0	63 0 11	182 0 0	186 6 7	Medicines and surgical instruments.
0 2 0	0 1 9	0 1 10	0 3 1	0 1 7	0 2 5	Cost per prisoner.
25 0 0	3 3 1	70 0 0	91 11 3	321 0 0	202 9 10	Medical comforts, extras for sick.
0 2 6	0 0 7	0 2 6	0 4 5	0 2 10	0 2 7	Cost per prisoner.
600 0 0	536 11 7	400 0 0	314 14 1	1,420 0 0	1,088 17 5	Clothing, &c., on liberation.
3 0 0	4 19 4§	0 14 7	0 15 2	0 12 7	0 14 4	Cost per prisoner.
500 0 0	1,669 7 11	400 0 0	345 14 6	2,219 0 0	2,406 12 8	Gratuities to convicts.
2 10 0	15 9 2§	0 14 7	0 16 8	0 19 9	1 11 7	Cost per prisoner.
50 0 0	14 12 10	150 0 0	42 15 0	295 0 0	181 5 0	Furniture and fittings.
0 5 0	0 2 8	0 5 6	0 2 1	0 2 7	0 2 4	Cost per prisoner.
15 0 0	13 12 1	30 0 0	15 9 0	101 0 0	63 11 8	Kitchen utensils, cookery, &c.
0 1 6	0 2 6	0 1 1	0 0 9	0 0 10	0 0 10	Cost per prisoner.
180 0 0	50 16 7	900 0 0	680 18 4	3,826 0 0	2,964 5 10	Fuel and light.
0 18 0	0 9 4	1 12 9	1 12 9	1 13 11	1 18 11	Cost per prisoner.
- - -	41 11 2	250 0 0	487 7 0	350 0 0	1,443 12 9	Washing and repairs of linen
- - -	0 7 8	0 9 1	1 3 5	0 3 1	0 19 0	Cost per prisoner.
30 0 0	12 11 6	70 0 0	66 12 2	250 0 0	289 16 11	Soap, scouring and cleaning articles.
0 3 0	0 2 3	0 2 6	0 3 2	0 2 2	0 3 6	Cost per prisoner.
- - -	18 6 2	50 0 0	49 18 4	155 0 0	160 17 8	Brushes, brooms, and mops.
- - -	0 3 4	0 1 10	0 2 5	0 1 4	0 2 1	Cost per prisoner.
1 10 0	- - -	7 0 0	13 18 1	38 10 0	17 9 11	Funeral expenses.
0 0 1	- - -	0 0 3	0 0 8	0 0 4	0 0 3	Cost per prisoner.
100 0 0	106 19 9	100 0 0	104 17 8	802 0 0	874 2 9	Various small disbursements.
0 10 0	0 19 0	0 3 8	0 5 0	0 7 1	0 11 5	Cost per prisoner.
104 10 0	20 0 0	214 5 0	129 0 2	483 15 0	310 0 2	Rents, rates, and taxes.
0 10 5	0 3 8	0 7 9	0 6 2	0 4 3	0 4 0	Cost per prisoner.
5,581 10 0	5,586 2 11	10,303 4 0	9,022 15 11	52,458 18 0	45,431 8 7	Gross total estimated and actual cost of maintenance.
27 18 1	51 14 5¶	18 4 8	21 13 9	23 6 4	29 17 3‡	Ditto ditto per prisoner.
- - -	1,944 17 8	- - -	1,975 9 10	- - -	19,278 19	Deduct value of labour, &c.
- - -	3,641 5 3	- - -	7,047 6 1	- - -	26,152 9 6	Net estimated and actual cost of maintenance.
- - -	33 14 3	- - -	16 18 9	- - -	17 3 10	Ditto ditto per prisoner.

cost per man, as the staff of officers cannot be proportionately reduced. For instance, an increase of 1,000 aggregate amount of salaries, &c. (†), while it would reduce the gross rate per man (‡) from 29*l.* 17*s.* 3*d.* to of the prisoners, and consequent saving of expense of officers' salaries, in March 1862.

these intermediate prisons, the bulk of expenditure for "Clothing and Travelling Expenses for Prisoners on items alone apparently 20*l.* 8*s.* 6*d.*, and thus increasing the apparent gross total cost per man (¶) in these once.

within the year: the average rate per man on that number for items § and ‖ being 8*l.* 13*s.* 8*d.* The above note * † and ‡.

(Signed) J. S. WHITTY, Director of Convict Prisons.

U.

IRELAND.

EXPENDITURE OF THE

ABSTRACT showing under each Head of Service the Amount taken in the Estimates for the Average Daily Numbers, and

Heads of Service.	Separate Confinement. Mountjoy Prison. Estimate for 400 Prisoners.	Separate Confinement. Mountjoy Prison. Expenditure. Average daily Number, 214.	Public Works. Spike Island Prison. Estimate for 750 Prisoners.	Public Works. Spike Island Prison. Expenditure. Average daily Number, 520.	Invalids. Philipstown Prison. Estimate for 250 Prisoners.	Invalids. Philipstown Prison. Expenditure. Average daily Number, 140.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Salaries, principal officers	1,560 0 0	1,560 0 0	2,225 6 0	2,127 10 0	990 0 0	990 0 0
Cost per prisoner	3 18 0	7 5 10	2 19 4	4 1 10	3 19 2	7 1 5
Wages, inferior officers	1,788 0 0	1,776 7 9	4,732 0 0	4,353 17 10	1,302 0 0	1,292 19 3
Cost per prisoner	4 8 11	8 6 0	6 6 2	8 7 5	5 4 2	9 4 9
Wages, manufacture department	90 0 0	90 0 0	- - -	- - -	90 0 0	90 0 0
Cost per prisoner	0 4 6	0 8 5	- - -	- - -	0 7 3	0 12 10
	3,428 0 0	3,426 7 9	6,957 6 0	6,481 7 10	2,382 0 0	2,372 19 3
Cost per prisoner	8 11 5	16 0 3	9 5 6	12 9 3	9 10 7	16 19 0
Rations to officers	13 8 0	19 6 3	833 0 0	770 2 1	293 13 0	363 3 10
Cost per prisoner	0 0 8	0 1 10	1 2 2	1 9 7	1 3 6	2 11 10
Uniform for officers	204 15 0	254 7 1	481 10 0	452 10 6	158 2 0	164 18 10
Cost per prisoner	0 10 2	1 3 9	0 12 10	0 17 5	0 12 8	1 3 6
Victualling prisoners	3,000 0 0	1,644 14 0	6,581 5 0	4,278 9 3	2,147 18 0	1,284 11 11
Cost per prisoner	7 10 0	7 13 8	8 15 6	8 4 7	8 11 10	9 3 6
Clothing prisoners	580 0 0	908 10 9	1,125 0 0	1,029 16 2	382 5 0	346 6 0
Cost per prisoner	1 9 0	4 4 11	1 10 0	1 19 7	1 10 7	2 9 6
Bedding prisoners	- - -	- - -	187 10 0	43 11 10	12 10 0	3 14 9
Cost per prisoner	- - -	- - -	0 5 0	0 1 10	0 1 0	0 0 6
Medicines and surgical instruments.	35 0 0	58 15 4	49 0 0	35 4 2	20 0 0	9 18 4
Cost per prisoner	0 1 9	0 5 6	0 1 4	0 1 4	0 1 7	0 1 5
Medical comforts, extras for sick	45 0 0	43 2 7	97 0 0	11 9 4	50 0 0	25 0 8
Cost per prisoner	0 2 3	0 4 0	0 2 7	0 0 5	0 4 0	0 3 7
Clothing, &c., prisoners on liberation.	20 0 0	42 1 5	281 0 0	112 11 4	60 0 0	28 9 8
Cost per prisoner	0 1 0	0 3 11	0 7 6	0 4 4	0 4 10	0 4 1
Gratuities to convicts	10 0 0	2 4 6	1,180 0 0	136 2 0	50 0 0	142 19 8
Cost per prisoner	0 0 6	0 3 3	1 11 5	0 5 3	0 4 0	1 0 5
Furniture and fittings	35 0 0	76 17 4	38 0 0	19 10 1	25 0 0	46 16 8
Cost per prisoner	0 1 9	0 7 2	0 1 0	0 0 9	0 2 0	0 6 8
Kitchen utensils, crockery, &c.	- - -	- - -	15 0 0	25 11 3	10 0 0	- - -
Cost per prisoner	- - -	- - -	0 0 5	0 1 0	0 0 9	- - -
Fuel light	550 0 0	527 14 1	1,050 0 0	830 5 11	430 0 0	542 16 8
Cost per prisoner	1 7 6	2 9 4	1 8 0	1 11 11	1 14 5	3 17 7
Washing and repairs of linen	- - -	112 6 10	50 0 0	640 12 0	50 0 0	129 4 5
Cost per prisoner	- - -	0 10 6	0 1 4	1 4 8	0 4 0	0 18 5
Soap, scouring, and cleaning articles.	60 0 0	47 11 8	56 0 0	28 6 1	20 0 0	- - -
Cost per prisoner	0 3 0	0 4 5	0 1 6	0 1 1	0 1 7	- - -
Brushes, brooms, and mops	45 0 0	20 4 11	38 0 0	13 7 3	15 0 0	- - -
Cost per prisoner	0 2 3	0 1 11	0 1 0	0 0 6	0 1 2	- - -
Funeral expenses	8 0 0	0 7 6	11 0 0	0 7 6	10 0 0	2 3 6
Cost per prisoner	0 0 5	- - -	0 0 3	- - -	0 0 9	0 0 4
Various small disbursements	120 0 0	107 8 3	300 0 0	347 19 1	75 0 0	137 13 7
Cost per prisoner	0 6 0	0 10 0	0 8 0	0 13 4	0 6 0	0 19 8
Rents, rates, and taxes	40 0 0	40 0 0	100 0 0	100 0 0	25 0 0	21 0 0
Cost per prisoner	0 2 0	0 3 9	0 2 8	0 3 10	0 2 0	0 3 0
Gross total estimated, and actual expenditure.	8,194 3 0	7,331 19 3	19,430 11 0	15,362 3 8	6,216 8 0	5,021 17 9
Cost per prisoner	20 9 8	34 5 2	25 18 2	29 10 10	24 17 3	40 3 1
Deduct value of labour, &c.	- - -	886 7 7	- - -	11,365 3 11	- - -	1,456 12 2
Net estimated and actual cost of maintenance.	- - -	6,445 11 8	- - -	3,996 19 9	- - -	4,165 5 7
Cost per prisoner	- - -	30 2 2	- - -	7 13 9	- - -	29 15 0

* † and ‡ column in "Summary." The low number of prisoners increases excessively the rate of cost per the item *—distributed through the prisons—would render necessary but a slight increase in the aggregate sideration led to the closing of Philipstown prison (above included) and distribution of the prisoners, and con result will be shown in the following similar Return.

§ ‖ and ¶—Column of Smithfield and Lusk Prisons. The male convicts being mostly discharged from these (§) and "Gratuities" (‖) falls upon those establishments, making the rate per man on those two items alone appa The low corresponding rates for these items in the other prisons exemplify this point at once.

The average total daily numbers in these two prisons was only 88, but 228 passed through them for discharge average number (88), could be doubled without materially increasing the cost for officers. See note * † and ‡.

February 10, 1863.

U.

Ireland.

Irish Convict Prisons.

Maintenance of the Convict Prisons for the Year 1861–62, together with the Expenditure, the Actual Cost of each prisoner.

Intermediate Prisons. Smithfield and Lusk Prisons.		Females. Mountjoy Female Prison.		Summary.		Heads of Service.
Estimate for 200 Prisoners.	Expenditure. Average daily number, 88.	Estimate for 500 Prisoners.	Expenditure. Average daily number, 392.	Estimate for 2,100 Prisoners.	Expenditure. Average daily number, 1,354.*	
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
958 0 0	858 19 11	1,035 0 0	1,035 0 0	6,768 6 0	6,570 9 11	Salaries, principal officers.
4 15 9	9 15 6	2 1 5	2 12 9	3 4 5	4 17 0	Cost per prisoner.
569 0 0	509 0 0	1,804 0 0	1,804 0 0	10,185 0 0	9,736 4 10	Wages, inferior officers.
2 16 10	5 15 8	3 12 2	4 12 1	4 17 0	7 3 10	Cost per prisoner.
- - -	- - -	- - -	- - -	180 0 0	180 0 0	Wages, manufacture department.
- - -	- - -	- - -	- - -	0 1 9	0 2 7	Cost per prisoner. †
1,527 0 0	1,366 19 11	2,839 0 0	2,839 0 0	17,133 6 0	16,486 14 9	
7 12 8	15 10 8	5 13 7	7 4 10	8 3 2	12 3 6	Cost per prisoner.
136 0 0	125 19 4	321 19 0	307 11 7	1,598 0 0	1,586 3 1	Rations to officers.
0 13 7	1 8 8	0 12 10	0 15 8	0 15 3	1 3 5	Cost per prisoner.
84 11 0	69 19 10	36 0 0	58 16 11	964 18 0	1,000 13 2	Uniform for officers.
0 8 5	0 15 11	0 1 5	0 3 1	0 9 2	0 19 9	Cost per prisoner.
1,900 0 0	916 19 6	3,375 0 0	2,773 14 7	17,004 3 0	10,898 9 3	Victualling prisoners.
9 10 0	10 8 5	6 15 0	7 1 0	8 1 11	8 0 11	Cost per prisoner.
365 16 0	478 9 0	625 0 0	381 1 6	3,078 1 0	3,144 3 5	Clothing prisoners.
1 16 7	5 8 9	1 5 0	0 19 5	1 9 4	2 6 5	Cost per prisoner.
- - -	9 14 8	25 0 0	14 7 1	225 0 0	76 8 4	Bedding prisoners.
- - -	0 2 2	0 1 0	0 0 9	0 2 2	0 1 1	Cost per prisoner.
20 0 0	8 15 8	60 0 0	63 5 2	184 0 0	175 18 8	Medicines and surgical instruments.
0 2 0	0 2 0	0 2 5	0 3 3	0 1 10	0 2 7	Cost per prisoner.
15 0 0	3 2 9	80 0 0	120 14 0	287 0 0	203 9 4	Medical comforts, extras for sick.
0 1 6	0 0 8	0 3 2	0 6 2	0 2 8	0 3 0	Cost per prisoner.
608 0 0	498 5 11	310 0 0	265 12 7	1,279 0 0	947 0 11	Clothing, &c., on liberation.
3 0 9	5 13 8§	0 12 5	0 13 8	0 12 2	0 14 0	Cost per prisoner.
900 0 0	1,377 16 4	350 0 0	338 4 0	2,490 0 0	1,997 6 6	Gratuities to convicts.
4 10 0	15 13 1‖	0 14 0	0 17 3	1 3 8	1 9 6	Cost per prisoner.
45 0 0	27 15 4	105 0 0	24 14 6	248 0 0	195 12 11	Furniture and fittings.
0 4 6	0 6 4	0 4 2	0 1 4	0 2 4	0 2 10	Cost per prisoner.
20 0 0	10 6 7	20 0 0	13 3 3	65 0 0	49 1 1	Kitchen utensils, crockery, &c.
0 2 0	0 2 4	0 0 9	0 0 8	0 0 7	0 0 9	Cost per prisoner.
51 4 0	40 10 4	610 0 0	602 1 11	2,691 4 0	2,543 8 11	Fuel and light.
0 5 1	0 9 3	1 4 5	1 10 9	1 5 7	1 17 7	Cost per prisoner.
- - -	34 0 9	260 0 0	533 11 10	360 0 0	1,449 15 10	Washing and repairs of linen.
- - -	0 7 9	0 10 5	1 7 3	0 3 5	1 1 4	Cost per prisoner.
17 0 0	10 13 0	70 0 0	62 9 2	223 0 0	148 19 11	Soap, scouring and cleaning articles.
0 1 8	0 2 5	0 2 10	0 3 2	0 2 2	0 2 2	Cost per prisoner.
- - -	29 1 9	60 0 0	55 11 0	158 0 0	118 4 11	Brushes, brooms, and mops.
- - -	0 6 7	0 2 5	0 2 10	0 1 6	0 1 9	Cost per prisoner.
1 0 0	- - -	12 0 0	11 2 4	42 0 0	14 0 10	Funeral expenses.
0 0 1	- - -	0 0 5	0 0 7	0 1 5	0 0 2	Cost per prisoner.
110 0 0	147 11 9	81 4 0	97 18 2	686 4 0	838 10 10	Various small disbursements.
0 11 0	1 13 7	0 3 5	0 5 0	0 6 6	0 12 4	Cost per prisoner.
114 12 0	10 0 0	161 10 0	201 8 8	441 2 0	372 8 8	Rents, rates, and taxes.
0 11 5	0 2 3	0 6 5	0 10 4	0 4 4	0 5 6	Cost per prisoner.
5,915 3 0	5,166 2 5	9,401 13 0	8,764 8 3	49,157 18 0	42,246 11 4	Gross total estimated, and actual expenditure.
29 11 6	58 14 1¶	18 16 1	22 7 0	23 8 2	31 4 0‡	Cost per prisoner.
- - -	1,594 11 9	- - -	1,775 7 4	- - -	17,078 2 9	Deduct value of labour, &c.
- - -	3,571 10 8	- - -	6,989 0 11	- - -	25,168 8 7	Net estimated and actual cost of maintenance.
- - -	40 11 8	- - -	17 16 7	- - -	18 11 9	Cost per prisoner.

man, as the staff of officers cannot be proportionately reduced. For instance, an increase of 1,000 prisoners in amount of salaries, &c. (†) while it would reduce the gross rate per man (‡) from 31*l.* 4*s.* to about 25*l.* 4*s.* This consequent saving of expense of officers' salaries, in March 1862, the period to which this Return extends. The

intermediate prisons, the bulk of expenditure for "Clothing and Travelling expenses for prisoners on liberation" rently 21*l.* 6*s.* 4*d.*, and thus increasing the apparent gross total cost per man (¶), in these prisons to 58*l.* 1*s.* 1*d.*

within the year; the average rate per man on that number for items § and ‖ being 8*l.* 4*s.* 6*d.* The above daily

(Signed) J. S. Whitty, Director of Convict Prisons.

V.

Ireland.

Expenditure of the

ABSTRACT showing under each Head of Service the Proportionate Amount taken in December 31, 1862, together with the Expenditure for the same

Heads of Service.	Separate confinement. Mountjoy Prison. Estimate for 350 Convicts.	Separate confinement. Mountjoy Prison. Expenditure. Average daily Number, 343.	Public Works. Spike Island Prison. Estimate for 700 Convicts.	Public Works. Spike Island Prison. Expenditure. Average daily Number. 633.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Salaries, principal officers	1,170 0 0	1,053 6 8	1,451 9 6	1,405 15 3
Cost per prisoner	3 6 10	3 1 5	2 1 5	2 4 5
Wages, inferior officers	1,333 10 0	1,378 9 8	3,149 5 0	3,115 6 9
Cost per prisoner	3 16 2	4 0 5	4 10 0	4 18 5
Wages, manufacture department	140 5 0	140 5 0	- - -	- - -
Cost per prisoner	0 8 0	0 8 2	- - -	- - -
	2,643 15 0	2,572 1 4	4,600 14 6	4,521 2 0
Cost per prisoner	7 11 0	7 10 0	6 11 5	7 2 10
Rations to officers	21 0 0	18 19 1	570 18 9	469 7 1
Cost per prisoner	0 1 2	0 1 2	0 16 4	0 14 10
Uniform for officers	100 9 3	112 8 0	352 10 0	410 12 3
Cost per prisoner	0 5 9	0 6 7	0 10 1	0 13 0
Victualling prisoners	2,070 0 0	1,987 17 7	4,606 17 6	3,529 19 0
Cost per prisoner	5 18 3	5 15 10	6 11 7	5 11 6
Clothing prisoners	380 12 6	909 4 10	787 10 0	1,664 4 11
Cost per prisoner	1 1 9	2 13 0	1 2 6	2 12 7
Bedding prisoners	65 12 6	10 3 0	131 5 0	42 6 8
Cost per prisoner	0 3 9	0 0 7	0 9 2	0 1 4
Medicines and surgical instruments	26 5 0	54 15 4	45 0 0	40 7 7
Cost per prisoner	0 1 6	0 3 2	0 1 3	0 1 3
Medical comforts, extras for sick	33 15 0	62 9 2	75 0 0	21 0 5
Cost per prisoner	0 1 11	0 3 8	0 2 2	0 0 8
Clothing, &c., prisoners on liberation	37 10 0	3 4 1	217 10 0	105 6 4
Cost per prisoner	0 2 2	0 0 2	0 6 2	0 3 4
Gratuities to convicts	26 5 0	3 17 10	843 15 0	65 3 0
Cost per prisoner	0 1 6	0 0 3	1 4 1	0 2 1
Furniture and fittings	37 10 0	70 14 0	27 0 0	39 11 0
Cost per prisoner	0 2 2	0 4 1	0 0 9	0 1 3
Kitchen utensils, crockery, &c.	- - -	- - -	11 5 0	30 16 4
Cost per prisoner	- - -	- - -	0 0 4	0 1 0
Fuel and light	412 10 0	387 15 11	787 10 0	714 7 5
Cost per prisoner	1 3 7	1 2 7	1 2 6	1 2 7
Washing and repairs of linen	- - -	124 9 0	37 10 0	445 8 11
Cost per prisoner	- - -	0 7 3	0 1 1	0 14 1
Soap, scouring, and cleaning articles	39 15 0	44 14 9	39 0 0	29 16 0
Cost per prisoner	0 2 3	0 2 7	0 1 1	0 0 11
Brushes, brooms, and mops	30 0 0	25 0 0	26 5 0	14 15 1
Cost per prisoner	0 1 9	0 1 5	0 0 9	0 0 5
Funeral expenses	5 5 0	3 5 0	7 10 0	2 12 6
Cost per prisoner	0 0 4	0 0 3	0 0 2	0 0 1
Various small disbursements	82 10 0	113 16 0	285 0 0	248 4 3
Cost per prisoner	0 4 9	0 6 8	0 8 2	0 7 10
Rents, rates, and taxes	30 0 0	40 0 0	75 0 0	75 0 0
Cost per prisoner	0 1 8	0 2 4	0 2 2	0 2 4
Gross total estimated, and actual cost of maintenance.	6,042 14 3	6,544 14 11	13,527 0 9	12,470 0 9
Cost per prisoner	17 5 3	19 1 7	19 6 6	19 14 0
Deduct value of labour. &c.	- - -	1,251 10 6	- - -	10,305 13 3
Net estimated and actual cost of maintenance.	- - -	5,293 4 5	- - -	2,164 7 6
Cost per prisoner	- - -	15 8 7	- - -	3 8 4

See Note on previous year's return for 1861-2 relative to

* † ‡.—Column of Smithfield and Lusk Prisons. The male convicts being mostly discharged from these falls upon those establishments, making the rate per man on those items alone apparently 12*l.* 5*s.* 7*d.*, and rates for these items in the other prisons exemplify this point at once. The average total daily number in these per man on that number for items * and † being 8*l.* 8*s.* 9*d.* The above daily average number (79) could be

§ Gross cost for 12 months per prisoner, at above rate, 26*l.* 6*s.*; net cost for 12 months per prisoner, deducting

February 11, 1863.

V.

Ireland.

Irish Convict Prisons.

Estimates for 1862–3 for the maintenance of Convict Prisons for Nine Months ended period, the Average Daily Number and Actual Cost per Prisoner.

Intermediate Prisons. Smithfield and Lusk Prisons.		Females. Mountjoy Female Prison.		Summary.		Heads of Service.
Estimate for 175 Convicts.	Expenditure. Average daily Number, 79.	Estimate for 450 Convicts.	Expenditure. Average daily Number, 422.	Estimate for 1,675 Convicts.	Expenditure. Average daily Number, 1477.	
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
636 0 0	636 0 0	776 5 0	776 5 0	4,033 14 6	3,871 6 11	Salaries, principal officers.
3 12 8	8 1 0	1 14 6	1 16 10	2 8 2	2 12 5	Cost per prisoner.
426 15 0	381 15 0	1,360 10 0	1,347 9 7	6,270 0 0	6,223 1 0	Wages, inferior officers.
2 8 9	4 16 7	3 0 6	3 3 10	3 14 10	4 4 3	Cost per prisoner.
- - -	- - -	- - -	- - -	140 5 0	140 5 0	Wages, manufacturing department.
- - -	- - -	- - -	- - -	0 1 8	0 1 10	Cost per prisoner.
1,062 10 0	1,017 15 0	2,136 15 0	2,123 14 7	10,443 19 6	10,234 12 11	
6 1 5	12 17 1	4 15 0	5 0 8	6 4 8	6 18 7	Cost per prisoner.
108 7 6	89 9 2	239 14 0	226 6 8	940 0 3	804 2 0	Rations to officers.
0 12 4	1 2 8	0 10 8	0 10 9	0 11 3	0 10 10	Cost per prisoner.
42 0 0	60 0 3	37 10 0	66 0 2	532 9 3	649 0 8	Uniform for officers.
0 4 9	0 15 2	0 1 8	0 3 1	0 6 4	0 8 9	Cost per prisoner.
1,312 10 0	598 9 11	2,278 2 6	2,181 6 6	10,267 10 0	8,297 13 0	Victualling prisoners.
7 10 0	7 11 5	5 1 3	5 3 5	6 2 7	5 12 4	Cost per prisoner.
240 1 6	379 9 1	421 17 6	473 9 6	1,830 1 6	3,426 8 4	Clothing prisoners.
1 7 5	4 16 1	0 18 9	1 2 5	1 1 10	2 6 4	Cost per prisoner.
- - -	2 19 10	16 17 6	14 14 5	213 15 0	70 3 11	Bedding prisoners.
- - -	0 0 9	0 0 9	0 0 8	0 2 7	0 0 11	Cost per prisoner.
15 0 0	5 13 4	45 0 0	61 5 2	131 5 0	162 1 5	Medicines & surgical instruments.
0 1 8	0 1 5	0 2 0	0 2 11	0 1 7	0 2 2	Cost per prisoner.
11 5 0	1 19 2*	67 10 0	138 12 9	187 10 0	224 1 6	Medical comforts, extras for sick.
0 1 3	0 0 6	0 3 0	0 6 7	0 2 3	0 3 0	Cost per prisoner.
430 8 6	258 0 3†	202 10 0	167 11 6	887 18 6	534 2 2	Clothing, &c., prisoners on liberation.
2 9 2	3 5 3‡	0 9 0	0 7 11	0 10 7	0 7 3	Cost per prisoner.
675 0 0	712 10 8	217 10 0	209 7 3	1,762 10 0	990 18 9	Gratuities to convicts.
3 17 1	9 0 4	0 9 8	0 9 11	1 1 1	0 13 5	Cost per prisoner.
30 0 0	10 19 3	135 0 0	28 13 6	229 10 0	149 17 9	Furniture and fittings.
0 3 5	0 2 9	0 6 0	0 1 4	0 2 9	0 2 0	Cost per prisoner.
15 0 0	12 5 6	11 5 0	14 7 9	37 10 0	57 19 7	Kitchen utensils, crockery, &c.
0 1 8	0 3 1	0 0 6	0 0 9	0 0 5	0 0 9	Cost per prisoner.
36 18 0	34 4 10	487 10 0	368 18 4	1,724 8 0	1,505 6 6	Fuel and light.
0 4 2	0 8 8	1 1 8	0 17 6	1 0 7	1 0 4	Cost per prisoner.
12 15 0	23 6 8	195 0 0	388 13 6	245 5 0	981 18 1	Washing and repairs of linen.
0 1 5	0 5 11	0 8 8	0 18 5	0 2 11	0 13 3	Cost per prisoner.
- - -	9 8 0	52 10 0	64 16 11	131 5 0	148 15 8	Soap, scouring, and cleaning articles.
- - -	0 2 4	0 2 4	0 3 1	0 1 7	0 2 0	Cost per prisoner.
- - -	15 4 1	45 0 0	23 0 7	101 5 0	77 19 9	Brushes, brooms and mops.
- - -	0 3 10	0 2 0	0 1 1	0 1 3	0 1 0	Cost per prisoner.
0 15 0	- - -	9 0 0	8 6 10	22 10 0	14 4 4	Funeral expenses.
0 0 1	- - -	0 0 5	0 0 5	0 0 3	0 0 2	Cost per prisoner.
82 10 0	113 13 11	82 10 0	92 0 2	532 10 0	567 14 4	Various small disbursements.
0 9 5	1 8 9	0 3 8	0 4 4	0 6 4	0 7 8	Cost per prisoner.
85 19 0	- - -	121 2 6	122 10 10	312 1 6	237 10 10	Rents, rates, and taxes.
- - -	- - -	0 5 4	0 5 10	0 3 9	0 3 2	Cost per prisoner.
4,161 4 6	3,345 8 11	6,802 4 0	6,774 6 11	30,533 3 6	29,134 11 6	Gross total estimated and actual cost of maintenance.
23 15 6	42 6 11	15 2 4	16 1 1	18 4 7	19 14 6	Cost per prisoner.
- - -	1,178 9 5	- - -	1,397 0 3	- - -	14,132 13 5	Deduct value of labour, &c.
- - -	2,166 19 6	- - -	5,377 6 8	- - -	15,001 18 1	Net estimated and actual cost of maintenance.
- - -	27 8 7	- - -	12 14 10	- - -	10 3 2§	Cost per prisoner.

Philipstown Prison, which disappears from this return.
intermediate prisons, the bulk of the expenditure for "clothing and travelling expenses" (*) and "Gratuities" (†) thus increasing the apparent gross total cost per man in these prisons (‡) to 42*l.* 6*s.* 11*d.* The low corresponding two prisons was only 79, but 115 passed through them for discharge within the nine months; the average rate doubled without increasing the cost for officers in these prisons.
labour value, 12*l.* 15*s.* 1*d.*

(Signed) J. S. Whitty, Director of Convict Prisons.

W.

Ireland.

Memorandum showing the Steps taken for the Identification, in the Irish County and City Gaols, of discharged Convicts committed for fresh Offences, and for bringing such Prisoners to the notice of the Judges at the time of Trial, as habitual Offenders.

1. Since June 1859, the governors of the county and city prisons have had instructions, through the inspectors-general of such prisons, to notify to the directors of convict prisons in Dublin the particulars of any prisoner suspected of being a returned convict, as soon as he (or she) may be committed for trial; in order that information relative to the antecedents of the prisoner may be transmitted for communication to the Judge before sentence is pronounced.

2. In accordance with these instructions, as soon as a suspected prisoner is committed, the accompanying form, headed "Particulars, Description, &c.," is filled up as far as possible at the county or city prison, and transmitted to the director's office in Dublin, where it is compared with the office records, and if the prisoner can be traced therein, such further communications take place with the county or city prison, and the convict prisons in which he was previously confined, as may be necessary to ensure the identification.

3. In some instances photographs are transmitted, and materially assist in the recognition of the suspected prisoner.

4. On the identification of the prisoner being fully established by the above means, the annexed printed form of letter notifying him as an "Habitual Offender" is duly filled up, and transmitted, with the return of "Particulars, &c.," to the governor of the gaol, to be laid before the judge at the proper time on the trial.

5. The result is then inserted on the form of "Particulars, &c.," by the governor, and the documents returned to the director's office.

6. In instances in which the prisoner may not be suspected and identified until after trial, the form of "Particulars, &c.," is still then sent in from the county gaol to the director's office, and the result there noted after the usual points of inquiry.

7. When it is ascertained by police or other reports that a discharged convict has been recommitted for trial, the attention of the governor of the county or city gaol is called to the circumstance, and the form of "Particulars, &c.," above referred to, is immediately required to be sent in to the director's office.

8. This process involves a considerable correspondence, as the mere appearance and manner of a prisoner often leads in the county prisons to the *suspicion* of his being a returned convict, and consequent report and inquiries; but its value is proved by the practical attainment of the object, viz., identification before trial of habitual offenders. It is now a rare occurrence for a discharged convict to reach the convict prisons again, without previous recognition in the county prisons.

9. The result as regards the convict prisons will naturally be an increasing proportion therein of re-convicted prisoners, because,—

1st. Those who would have been sentenced merely to terms of imprisonment if not identified as returned convicts, receive generally when so identified sentences of penal servitude, and thus become inmates of the convict prisons.

2nd. Those re-convicted prisoners whose fresh offences would in any case be visited with sentences of penal servitude, receive heavier sentences on timely identification, and so remain longer in the convict prisons.

This result had been fully anticipated by the directors, as shown by the following extract from their Annual Report for the year 1860, p. 8:—

Extract from the Report of Directors of Convict Prisons in Ireland, for the Year 1860.

"We have reported a diminution of the number of criminals in the convict establishments for some years past. We do not think it probable that a further decrease can take place for some time to come, until the results of the reformatory schools, and other means of arresting crime in the germ, can be felt in the community. The appliances in force in this country for bringing old offenders to justice, the rigid enforcement of good conduct on the part of those liberated

on licence, the very great difficulty with which an old inmate of the convict prisons would be surrounded in carrying on crime without detection; the systematized manner of proving former convictions, in order to again bring an old offender under a sentence of penal servitude, are all reasons which very obviously conduce to fill the convict prisons.

"We stated in our last report that—

"'Under any successful prison system the inevitable result of a diminution in the total number of prisoners will be, that as that total number decreases, the proportion of incorrigibles included in it must become greater. It may be compared to a sifting process, by which the refuse would only be left at last.'"

(Signed) J. S. WHITTY,
January 13, 1863. Director of Convict Prisons.

(FORM 47.)

_____ *Gaol.*

PARTICULARS, DESCRIPTION, &c., of a PRISONER suspected or known to have been a discharged convict.

Particulars under which now in Custody.		*Description.*	
Name		Hair	
Crime		Eyes	
Date of trial		Eyebrows	
Sentence, if passed		Nose	
		Mouth	
		Complexion	
Particulars of former Conviction as far as is known or can be ascertained.		Visage	
		Make	
		Height	feet inches.
Name		Marks on Person	
County where tried		Present age	years.
Date of conviciion		Trade or calling	
Crime		Prison trade	
Sentence		Born at	
When discharged from convict prison		Resided before committal at	
Prison from which discharged		Friends reside at	
		Whether identified as having been a convict, and by whom	

Observations.

Governor.

186 .

(Form J.)

Government Prisons Office, Dublin Castle,

Sir, 186 .

The inclosed particulars of have been compared with the books of this office, and are correct. In the event of his (or her) being found guilty of the present charge, the Directors of Convict Prisons request that the notice of the Judge may be particularly called to the circumstance of his (or her) being an "Habitual Offender," with the view of his (or her) receiving a sentence proportionate to his (or her) perseverance in pursuing a course of crime.

Please to notify the result of the trial to this office, and return the inclosure at the same time.

I am, &c.

The Governor, Gaol.

X.

Ireland.

Memorandum explanatory of the Practice of Supervision of Discharged Convicts in Ireland.

All convicts discharged on licence in Ireland are placed under supervision in either of the two following ways, viz.:—

I.—Under the supervision of the constabulary, being the discharged convicts residing in any part of Ireland out of the city and county of Dublin.

II.—Under the supervision of Mr. Organ, Lecturer of Smithfield and Lusk prisons, being those resident in the city and county of Dublin.

The great majority of both these classes are discharged from the intermediate prisons of Smithfield and Lusk, discharges on licence otherwise being exceptional only. When the period for discharge on licence arrives, the intended place of residence of the prisoner is notified from the director's office to the constabulary or the lecturer, as the case may be, and the discharged prisoner is dealt with in the following manner —

I.—As regards those under the Supervision of the Constabulary.

1. Appended is a memorandum of regulations issued in January 1857, for the registration and supervision by the constabulary of convicts on ticket of licence (see annexed Paper A).

2. All questions or communications respecting discharged convicts under the supervision of the constabulary, are carried on through the Inspector-General of Constabulary in Dublin.

3. When a discharged convict's place of residence is beyond the county of Dublin, notice of the locality and his description are sent to the Constabulary Office (see annexed Paper B).

4. The prisoner is informed, at the prison from which he is discharged of the name of the police station at which he is to report himself, obtained from the printed constabulary lists periodically published; and parchment instructions are furnished to him, along with a certified copy of his licence, showing how he is required to report his arrival and any subsequent change (see annexed Paper C).

5. Should he not report his arrival within a reasonable number of days, a report from the constabulary station is made to the Inspector-General of Constabulary. who forwards it to the Director of Convict Prisons, and careful inquiry is then made to ascertain what has become of the discharged prisoner (see annexed Paper E).

These cases of non-reporting, however, arefound to be very exceptional.

6. If the man cannot be traced within a reasonable time, application is made for the revocation of his licence, and his name and usual particulars inserted in the Hue and Cry (see annexed Paper F).

7. On a discharged prisoner reporting himself in due course at the appointed police station, he is not in any way interfered with whilst his conduct is not in violation of the conditions of his licence, and he is required only to report himself monthly to the head constable of the station. If he notifies his intention to leave the locality, information is given by the constabulary to the Director of Convict Prisons, and also to the new station near which he is to reside (see annexed form marked D), and if he should not report himself there in due course, the same steps are taken as before described (see annexed Paper F).

8. Should he leave the locality without giving the required notification it is reported through the Inspector-General, and steps are taken to trace him, and, if he has thus wilfully offended, to procure the revocation of his licence (see annexed Paper F).

9. When a discharged prisoner, during the period of his licence, commits any offence against the law, or is known to be of intemperate habits or to have evil associates, he is reported through the Inspector-General of Constabulary to the Director of Convict Prisons, and steps are taken for further inquiry and, if necessary, for the revocation of his licence (see annexed Paper G).

10. As long as the man's conduct is satisfactory no periodical report is made of his conduct, but in many places the prisoner supports his application for the

payment of the balance of gratuity that may be due to him by a certificate of good conduct from the officer of constabulary under whose supervision he has been placed.

II.—*With respect to the Discharged Convicts residing in Dublin and the adjacent District.*

1. The convicts in the intermediate prisons of Smithfield and Lusk (the only intermediate prisons at present), all passing several months under the immediate observation of the lecturer, are individually known by him, and, if they have not friends to provide for them, or to assist them with employment, he exerts himself to obtain it for them, according to qualifications and other circumstances.

2. They are visited by him frequently, and where he has assisted in obtaining them employment he communicates with the employers and ascertains how the discharged prisoners conduct themselves.

3. Those resident in the city and immediate vicinity, being within more easy reach, are of course visited more frequently, but the lecturer is provided with means of riding to visit those located at a greater distance.

4. None are required to leave their work or place of abode to report themselves periodically.

5. In cases where communication with the employer does not appear desirable, it is avoided at the discretion of the lecturer.

6. A fortnightly written report is made to the director, of the character, conduct, and prospects of each man under supervision, or special reports are made in the interval in cases appearing to require it.

A few extracts showing the nature of these fortnightly reports are given in the annexed paper (see annexed Paper H).

7. If a discharged prisoner has no visible means of subsistence, or conducts himself in any manner giving good ground for suspicion that he is infringing the conditions of his licence, the attention of the Detective Metropolitan Police is drawn by the director to the particular case.

8. When any offence is committed by a convict on licence which becomes the subject of inquiry in the Dublin police courts, the circumstances are notified to the director from the Metropolitan Police Office.

9. When any prisoner under the lecturer's supervision desires to reside out of the district, notice of the intended locality is given by the director to the Constabulary Office; if he leaves without having given due notice the lecturer reports the case to the director for further inquiry.

10. Discharged prisoners on licence changing their localities by coming from the country to reside in the Dublin district, are placed under the lecturer's supervision similarly to others.

11. An instalment only of the gratuity due to the discharged prisoner is paid to him on his discharge; the balance is subsequently paid to him by the director's sanction, on the recommendation of the lecturer and consideration of the circumstances.

12. In the exceptional cases before referred to, when a prisoner discharged on licence, not through an intermediate prison, decides to reside in the Dublin district, he reports his arrival at Smithfield prison, the particulars of his case are given to the lecturer, and he is dealt with similarly to others residing in the district.

It may be right to state, in conclusion, that no instances have come to the knowledge of the director of any evil result or abuse arising from the practice of supervision, either by the police or otherwise, though it has now been about six years in existence in Ireland. Had any such instances occurred, they must, owing to the frequent communication between the directors and the discharged convicts, have come to the directors' knowledge. Several discharged prisoners who have left Ireland have returned to the country and registered themselves again for supervisoin; and thus, while the well-intentioned convict has been provided with means of undeniable reference as to conduct and character, the evil-intentioned have been repressed and deterred from actual offences, or more easily detected if guilty of falling back into actual transgression of the law.

Dublin, December 19, 1862. (Signed) J. S. Whitty,
Director of Convict Prisons.

MEMORANDUM.

January 1, 1857.

REGISTRATION and SUPERVISION of CONVICTS on TICKET OF LICENCE.

His Excellency the Lord Lieutenant being desirous of accurately testing the practical working of the Ticket of Licence system, by a well-organized system of Registration of Licensed Convicts, whereby they may be brought under special supervision and a check be laid upon the evil disposed, has been pleased to sanction the following regulations which are, therefore, circulated for the information and guidance of the constabulary:—

I. When an offer of employment for a prisoner is accepted a notification thereof will be made by the directors of government prisons to the Inspector General of Constabulary, by whom it will be transmitted to the constabulary of the locality in which the employment is to be given, with all necessary particulars, for the purpose of being entered in a register at the constabulary station.*

II. Each convict so to be employed will report himself at the appointed constabulary station (the name of which will be given to him) on his arrival in the district, and, subsequently, on the 1st of each month.

III. A special report is to be made to head quarters by the constabulary whenever they shall observe a convict on licence guilty of misconduct or leading an irregular life.

IV. A convict is not to change his locality without notifying the circumstance at the constabulary station, in order that his registration may be transferred to to the place to which he is about to proceed. On his arrival he must report himself to the nearest constabulary station (of the name of which he is to be informed), and such transfer is to be reported to head quarters for the information of the Directors of Government Prisons.

V. An infringement of these rules by the convict will cause it to be assumed that he is leading an idle irregular life, and therefore entail the revocation of his licence.

VI. Further regulations may hereafter be added to the foregoing should they become necessary.

Government Prisons Office,
Dublin Castle,
186 .

DESCRIPTIVE PARTICULARS.

Hair
Eyes
Eyebrows
Nose
Mouth
Complexion
Visage
Make
Height, feet, inches,

Born at
Friends reside at

To the Inspector of Constabulary,
Dublin Castle.

SIR,

I HAVE to inform you that a "Ticket of Licence" has been granted to Convict
who will, on discharge, proceed to

I have the honor to be,
Sir,
Your obedient Servant,

Chairman of Board
of Directors.

I. Each convict will report himself to the constabulary station of his locality on his arrival in the district, and subsequently on the 1st of each month.

II. A convict must not change his locality without notifying to his constabulary station, in order that his registration may be changed to the locality to which he is about to proceed.

---

* This has been applied only to cases of men discharged under sentence of transportation.

III. An infringement of these rules by the convict will cause it to be assumed that he is leading an idle and irregular life, and thereby entail a revocation of his licence.

Chairman of Board of Directors,
Government Prisons Office,
Dublin Castle.

Constabulary Station at which the convict will report himself.

No. 186 .

No. in convict book

ORDER of LICENCE to a CONVICT.

Made under the Statute 16 & 17 *Victoria, cap.* 99.

Dublin Castle, the day of 18

HER MAJESTY is graciously pleased to grant to who was convicted at in Ireland, of at the for the of on the day of and was then and there sentenced to penal servitude for the term of years, now confined in prison, Her Royal Licence to be at large in the United Kingdom from the day of his liberation under this order, during the remaining portion of his said term of penal servitude, unless it shall please Her Majesty sooner to revoke or alter such licence. And Her Majesty hereby orders that the said be set at liberty within ten days from the date of this order.

Given under my hand and seal,
Signed (L.S.)

A True Copy. Chief Secretary to the Lord Lieutenant of Ireland.
Director, Government Prisons Office.

(*On the back*).

NOTICE.

1. The power of revoking or altering the licence of a convict will most certainly be exercised in case of his misconduct.

2. If therefore he wishes to retain the privilege, which by his good behaviour under penal discipline he has obtained, he must prove by his subsequent conduct that he is really worthy of Her Majesty's clemency.

3. To produce a forfeiture of the licence it is by no means necessary that the holder should be convicted of any new offence. If he associates with notoriously bad characters, leads an idle and dissolute life, or has no visible means of obtaining an honest livelihood, &c., it will be assumed that he is about to relapse into crime, and he will be at once apprehended, and recommitted to prison under his original sentence.

DESCRIPTION.

Hair.....
Eyes.....
Eyebrows .....
Nose .....
Mouth.....
Complexion .....
Visage.....
Make .....
Height ..... ft. in.
Trade .....
Prison Trade .....
Born at .....
Friends reside at .....
Age on conviction ..... years.

County of
District of
Sub-District of

Register of Convict No.*
on Ticket of Licence (see Circular 1st January 1857).

* *i. e.*, No. in Convict Book, as stated on Ticket of Licence.

Descriptive Particulars. (Circular Paragraph 1.)	
Hair	Date on which the convict first reported himself at this sub-district. (Circular, paragraph 2.)
Eyes	Name and address of person by whom employed.
Eyebrows	Date on which the convict left this sub-district. (Circular, par. 4.)
Nose	To what sub-district and county removed. (Circular, paragraph 4.)
Mouth	
Complexion	
Visage	
Make	
Height	
Born at	
Friends reside at	

186 Constable.

Report of Conduct.

(Note.—In the event of the removal of the above-named convict to another sub-district, a copy of the foregoing particulars (including report of conduct) is to be transmitted to the constable thereof; and in case of further removals, the same rule is to be observed, so that the convict's conduct during the whole period he has been on licence may be ascertained in the last sub-district in which he is located.)

Memorandum of Communications between Constabulary and Convict Prison Department in the case of discharged Convict P. C.

1. From Prison Department to Constabulary, 11th Sept. 1862.	Usual descriptive particulars and notification of intended place of residence (Ballinasloe), county Roscommon.
2. From Constabulary to Prison Department, 19th Oct. 1862.	Intimating that the discharged prisoner, P. C., had not reported himself.
3. From Prison Department to Constabulary, 23rd Oct. 1862.	Suggestion that inquiry be made whether the discharged prisoner may not have gone to his native place, Laghmaconnell, county Roscommon, instead of Ballinasloe, in same county.
4. From Constabulary to Prison Department, 25th Oct. 1862.	Notification that the discharged prisoner had been found at Laghmaconnell, having in ignorance given the wrong destination, and reported himself at another station.
5. From Prison Department to Constabulary, 27th Oct. 1862.	Amended papers transmitted as regards place of residence, &c.

Memorandum of Communications between Constabulary and Convict Prison Department in the case of discharged convict G. O. B.

1. Prison Department to Constabulary, 3rd Oct. 1861.	Usual descriptive particulars and notification of intended place of residence (Ennis, county Clare).
2. Constabulary to Prison Department, 11th Oct. 1861.	Notice that discharged prisoner had removed to Limerick, and police there had been notified of the change.
3. From Constabulary to Prison Department, 11th Nov. 1861.	Notice that discharged prisoner had not reported himself at the new place of residence, Limerick.
4. Prison Department to Constabulary, 15th Nov. 1861.	Request that endeavours be made to trace him in Limerick.

5. Constabulary to Prison Department, 23rd Nov. 1861.	Report that he could not be traced in Limerick.
6. Prison Department to Constabulary, 12th Dec. 1861.	Request that further inquiry may be made of the discharged prisoner's friends at Ennis respecting him (a balance of gratuity still due to him).
7. Constabulary to Prison Department, 17th Dec. 1861.	Report that the friends expected him back shortly in Ennis.
8. Constabulary to Prison Department, 18th Dec. 1861.	Report that the discharged prisoner has been taken up, and committed at Clonmel for burglary.

(Licence revoked on application dated Jan. 22, 1862, after further inquiry.)

MEMORANDUM of COMMUNICATION between CONSTABULARY and CONVICT PRISON DEPARTMENT in the case of discharged convict S. W.

1. Prison Department to Constabulary, 15th Jan. 1862.	Usual descriptive particulars and notification of intended place of residence (Londonderry).
2. Constabulary to Prison Department, 21st Jan. 1862.	Report that discharged prisoner, after reporting himself, had left Londonderry for Liverpool, to emigrate, but returned clandestinely without reporting himself again.
3. Prison Department to Constabulary, 12th March, 1862.	Requesting discharged prisoner's address.
4. Constabulary to Prison Department, 20th March, 1862.	Notifying address as requested.
5. Prison Department to Constabulary, 21st March, 1862.	Enclosing letter of warning from Directors for the prisoner relative to observing conditions of licence.
6. Constabulary to Prison Department, 13th Aug. 1862.	Report that discharged prisoner had been convicted of being drunk and riotous, and sentenced to seven days' imprisonment, and also had been living in a brothel.

(Licence revoked on application dated 19th August 1862.)

Y.

Ireland.

Extracts from Reports on Convicts discharged on Licence, made fortnightly by the Lecturer of Smithfield Prison to the Director.

Date of Conviction.	Sentence.	Date of Discharge.	Crime.	Former Convictions.	Name.	Residence.	Employer.	Employment.	Wages. pr. week.	When Sentence will expire.	Observations.
June 20, 1853	years. 10 T.	Nov. 16, 1857	Cow stealing	2; 2 years in crime.	M.M.	9, W. Quay	Own account	Shoemaker	20*s.*	June 20, 1863	Two well-conducted men, very comfortable.
Jan. 8, 1853	10 T.	July 24, 1857	Larceny	5; very bad characters.	E. H.	C. Court	Own account	Shoemaker	20*s.*	Jan. 8, 1863	
July 9, 1853	10 T.	April 9, 1859	Violent assault.	1; assault	P. F.	P. Street	Mr. D.	Labourer	10*s.*	July 9, 1863	Employer well satisfied.
Mar. 29, 1860	3 P.S.	Oct. 28, 1862	Larceny	2; known since 1858.	R. Mc.	A. Street	Own account	Painter	12*s.*	Mar. 29, 1863	Gone to sea.
Jan. 8, 1859	4 P.S.	July 13, 1862	Larceny	Unknown to us	J. G.	——	——	——	—	Jan. 8, 1863	Left for the country. I think this man's licence should be revoked for leaving my district without my knowledge.*
July 22, 1854	14 T.	Mar. 24, 1860	Cattle stealing.	1; bad	G. N.	M. Court	Own account	Labourer	12*s.*	Feb. 27, 1868	No complaint; rather well intentioned.

* Inquiry was made, and it being found that this man had left the district, contrary to the conditions of his licence, it was revoked, and the prisoner having been arrested in Cork, was committed to Mountjoy Prison.

Z.

Ireland.

Memorandum relative to the Female Refuges in connexion with Mountjoy Female Convict Prison.*

There are only two refuges in Ireland for discharged female convicts—both in Dublin; one being for Protestants and the other for Roman Catholics.

The largest and longest established of these is the Roman Catholic refuge at Golden Bridge, which is managed by the Sisters of Mercy.

The Protestant refuge is in Heytesbury Street, and is managed by a committee of ladies and gentlemen, aided by the Protestant chaplain of Mountjoy female convict prison.

Both are subject to the inspection and supervision of the director of convict prisons.

The following are the existing regulations in connexion with the admission, &c., of convicts into these establishments:—

The prisoners, on their removal to the institutions, are furnished with such clothing and outfit as is given to convicts on their discharge, and the cost of removal to and from the institutions is paid for by the Government.

During the period of detention 5*s.* per week is paid to the institution for the maintenance of each prisoner.

A further sum of 2*s.* per week is paid as a gratuity for each convict. This sum is kept quite distinct from the ordinary allowance of 5*s.* per week paid in each case for maintenance, &c., and accumulates for the better provision of each female on discharge.

Both these payments cease on the expiration of the convict's sentence.

The treatment and the management of the prisoners are under the committee of the institution, the director of convict prisons having the right of general inspection and supervision.

The time for admission of the convicts into the refuges is regulated by the scale for discharge on licence, no prisoner being allowed to go to the refuge until qualified for such discharge by time (according to sentence), and the attainment of a prescribed badge according to prison conduct. The annexed scale shows the periods at which the prisoner may be thus admitted to the refuges.

They are sent there on licence (under ticket of leave), which extends only to the refuge, and they are liable to be brought back to the prison, with revoked licence, if their conduct is irregular. The form of licence given in the case of prisoners discharged to the refuges is annexed to these papers.

The option of being sent to a refuge or allowed to go at large on licence is not given to the prisoner. Circumstances independent of prison conduct may render a prisoner ineligible for the refuge, and this is left to the managers to decide upon. These circumstances are such as age, any disabling infirmity, having illegitimate children with them, numerous previous convictions for disorderly conduct, &c., &c. A prisoner, though eligible, is not obliged to go to the refuge if she objects (which is of rare occurrence), but no female convict is discharged on licence otherwise than through the refuges, without satisfactory proof that she has friends to receive and maintain her, or provide her with employment.

The following table shows the proportion of female prisoners sent to the refuges of those discharged from Mountjoy female prison in the last four years:—

Year.	Total Number Discharged.	Sent to the Refuges out of the preceding Totals.
1859 - -	174	95
1860 - -	137	73
1861 - -	154	63
1862 - -	108	49
Total	573	280

* See also App. No. 12b.

There have been sent altogether to the female refuges in Ireland 490 convicts, of which number 21 have been returned to the convict prison with licences revoked for irregularities, and 36 have been re-sentenced to penal servitude after leaving the refuges.

The regulations as to diet and clothing, and general internal arrangements, are left to the judgment of the managers of the refuges.

The work performed in them is chiefly laundry work and needlework, the extent of which and the sale of the produce are similarly regulated.

The Government allowance of 7*s.* per week (already mentioned) is provided by a special grant in the annual estimates.

The regulated gratuities which the women acquire during their imprisonment in the convict prisons are transferred with them on their removal to the refuges and placed at the disposal of the managers for the benefit of the women on their discharge, in addition to the gratuity of 2*s.* a week with which they are credited in the institution.

(Signed) J. S. WHITTY,
February 9, 1863. Director of Convict Prisons.

NOTICE showing the CLASS or NUMBER of MARKS which it will be necessary for FEMALE PRISONERS convicted under the Penal Servitude Act, 20 & 21 Vict., cap. 3 (June 1857), to obtain, before becoming eligible for Licence, reckoning from the date of conviction.

Class and Number of Marks to be gained for Admission to the Refuges for different Sentences.	Sentences.	Shortest Periods of Imprisonment.		Earliest Periods from termination of Sentence at which eligible for Licence to be passed, either in whole or part, at the Refuges.	
	Years.	Years.	Months.	Years.	Months.
Class 2 A or 2 months in A class	3	2	2	0	10
„ 10 A or 10 „	4	2	10	1	2
„ 18 A or 18 „	5	3	6	1	6
„ 21 A or 21 „	6	3	9	2	3
„ 24 A or 24 „	7	4	0	3	0
„ 32 A or 32 „	8	4	8	3	4
„ 48 A or 48 „	10	6	0	4	0
„ 63 A or 63 „	12	7	3	4	9
„ 72 A or 72 „	15	8	0	7	0

(Signed) WALTER CROFTON,
April 28, 1860. Chairman.

ORDER of LICENCE to a FEMALE CONVICT, made under the Statute 16 & 17 Victoria, cap. 99.

Dublin Castle, the day of , 18 .

HER MAJESTY is graciously pleased to grant to who was convicted at in Ireland, of at the for the of on the day of and was then and there sentenced to for the term of years, now confined in prison, Her Royal licence to be at large in the United Kingdom from the day of her liberation under this order, during the remaining portion of her said term of unless it shall please Her Majesty sooner to revoke or alter such licence; on condition that she repair forthwith to the and do not leave the same until the permission of the directors of convict prisons shall have been signified to her. And Her Majesty hereby orders that the said be set at liberty within ten days from the date of this order, subject to the said condition.

Given under my hand and seal.

(Signed)
A true copy. Chief Secretary to the Lord Lieutenant of Ireland.
Chairman of Board of Directors,
Government Prisons Office.

NOTICE.

1. The power of revoking or altering the licence of a convict will most certainly be exercised in case of her misconduct.

2. If, therefore, she wishes to retain the privilege which by her good behaviour under penal discipline she has obtained, she must prove by her subsequent conduct that she is really worthy of Her Majesty's clemency.

3. To produce a forfeiture of the licence it is by no means necessary that the holder should be convicted of any new offence. If she associate with notoriously bad characters, leads an idle and dissolute life, or has no visible means of obtaining an honest livelihood, &c., it will be assumed that she is about to relapse into crime, and she will be at once apprehended, and recommitted to prison under her original sentence.

DESCRIPTION.

Hair - -	Make - - -		
Eyes - -	Height - -	Ft.	In.
Eyebrows -	Trade - - -		
Nose - -	Prison trade -		
Mouth - -	Born at - -		
Complexion -	Friends reside at -		
Visage - -	Age on Conviction		

A A.

TABLE showing the LARGEST AMOUNT of GRATUITY attainable by a Convict under sentence of Four Years Penal Servitude in England and in Ireland.

ENGLAND.

		£	s.	d.
26 weeks	separate confinement - - - -	0	0	0
13 „	„ „ - - - at 8*d.*	0	8	8
65 „	1st stage public works - - - 15*d.*	4	1	3
52 „	2d „ „ „ - - - 19*d.*	4	2	4
13 „	3d „ „ „ - - - 23*d.*	1	4	11
39 „	remitted - - - -	0	0	0
208 weeks or 4 years		£9	17	2

IRELAND.

		£	s.	d.
35 weeks	separate confinement - - - -	0	0	0
9 „	3d class public works - - - at 1*d.*	0	0	9
26 „	2d „ „ „ - - - 2*d.*	0	4	3
26 „	1st „ „ - - 1st part - 3*d.*	0	6	6
26 „	„ „ „ - - 2d part - 4*d.*	0	8	8
26 „	advanced class - - - - 9*d.*	0	19	6
21 „	intermediate prison - - - 2*s.* 6*d.*	2	12	6
39 „	remitted - - - - -	0	0	0
208 weeks or 4 years		£4	12	3

APPENDIX No. 11.

IRELAND.

PAPERS delivered in by Captain WHITTY.

A.

RETURN of the NUMBER of MALES sentenced to PENAL SERVITUDE in IRELAND, in 1862, who had been previously sentenced either to Penal Servitude or Transportation, classified according to their present Crimes and Sentences.

Crimes on Re-conviction.	Sentences on Re-conviction (Penal Servitude).										Total.
	3 years.	4 years.	5 years.	6 years.	7 years.	8 years.	10 years.	14 years.	15 years.	Life.	
Arson in workhouse	–	–	–	–	–	–	1	–	–	–	1
Assault and robbery	–	1	–	–	–	–	–	–	–	–	1
Assault and robbery and coining	–	–	–	–	–	–	–	1	–	–	1
Being armed	1	–	–	–	–	–	–	–	–	–	1
Burglary	–	1	2	–	1	–	1	1	2	–	8
Burglary and robbery	–	2	–	–	–	–	–	–	–	–	2
Cow-stealing	–	1	–	1	–	–	1	1	–	–	4
Cutting warp in prison	–	–	–	–	1	–	–	–	–	–	1
Felony	1	1	3	1	2	1	3	–	–	–	12
Feloniously wounding	–	–	1	–	–	–	–	–	–	–	1
Highway robbery	–	–	1	–	–	–	–	–	–	–	1
Larceny	9	7	8	4	4	–	6	–	–	–	38
Larceny from person	–	1	1	1	–	–	1	–	–	–	4
Receiving stolen goods	2	–	2	–	–	1	–	2	–	–	7
Sheep-stealing	–	–	–	–	–	–	–	3	–	–	3
Totals	13	14	18	7	8	2	13	8	2	–	85

B.

RETURN of the NUMBER of FEMALES sentenced to PENAL SERVITUDE in IRELAND, in 1862, who had been previously sentenced either to Penal Servitude or Transportation, classified according to their present Crimes and Sentences.

Crimes on Re-conviction.	Sentences on Re-conviction (Penal Servitude).										Total.
	3 years.	4 years.	5 years.	6 years.	7 years.	8 years.	10 years.	14 years.	15 years.	Life.	
Burglary	1	–	–	–	–	–	–	–	2	–	3
Burglary and robbery	1	1	–	–	–	–	–	–	–	–	2
Felony	–	–	16	1	1	–	2	–	–	–	20
Larceny	7	7	4	1	3	–	2	2	–	–	26
Larceny from person	1	–	–	–	–	–	–	–	–	–	1
Receiving stolen goods	–	–	–	–	–	–	1	–	–	–	1
Totals	10	8	20	2	4	–	5	2	2	–	53

APPENDIX No. 12.

IRELAND.

PAPERS delivered in by Captain WHITTY.

A.

RETURN of the NUMBER of MALES sentenced to PENAL SERVITUDE in IRELAND in the Years 1861 and 1862, who had been previously sentenced either to Penal Servitude or Transportation, showing the Sentences passed upon the Re-conviction, and the Class of Prison from which these Men had been discharged, whether intermediate or ordinary.

Sentences passed upon the Re-conviction.	1861.			1862.		
	Discharged from Intermediate Prisons.	Discharged from Ordinary Prisons.	Total.	Discharged from Intermediate Prisons.	Discharged from Ordinary Prisons.	Total.
3 years -	2	4	6	5	8	13
4 „ - -	5	16	21	7	7	14
5 „ - -	1	2	3	9	9	18
6 „ - -	5	6	11	5	2	7
7 „ - -	6	13	19	8	—	8
8 „ - -	—	2	2	2	—	2
10 „ - -	—	4	4	3	10	13
14 „ - -	—	—	—	4	4	8
15 „ - -	—	—	—	1	1	2
Life - -	—	—	—	—	—	—
Totals -	19	47	66	*44	41	85

* The increase in 1862 in re-convictions of convicts discharged from intermediate prisons may be attributed to the following causes, viz.:—

1. For some years the proportion discharged from intermediate prisons has been about 75 per cent. of the total discharged; of the remaining 25 per cent. discharged from ordinary prisons two-thirds have been of a class not likely, from their antecedents, to return to convict prisons, being men convicted of one grave offence, or invalids, or with sentences commuted for special reasons, leaving only about 10 per cent. likely to relapse, as compared with the 75 per cent. from intermediate prisons.
2. Of 410 males (convicted under the Penal Servitude Act of 1857) discharged in 1860 and 1861, 402 had sentences only of three or four years, a period affording insufficient opportunity for effectual prison training, and for subsequent supervision.
3. Of the 44 discharged from intermediate prisons who were re-convicted in 1862, 33 were men of the short sentenced class referred to in No. 2.
4. The prevailing distress in Ireland has doubtless caused the relapse of a considerable proportion in the year 1862.

J. S. WHITTY, Director.

B.

Ireland.

Return of the Number of Females sentenced to Penal Servitude in Ireland in the Years 1861 and 1862, who had been previously sentenced either to Penal Servitude or Transportation, showing the Sentences passed upon the Re-conviction, and how many had been discharged through Refuges.

Sentences passed upon the Re-conviction. Penal Servitude.	1861.			1862.		
	Discharged through Refuges.	Discharged from Ordinary Prisons.	Total.	Discharged through Refuges.	Discharged from Ordinary Prisons.	Total.
3 years - -	3	6	9	3	6	10
4 „ - -	2	17	19	2	7	8
5 „ - -	1	4	5	6	14	20
6 „ - -	—	1	1	—	2	2
7 „ - -	3	3	6	—	4	4
8 „ - -	—	2	2	—	—	—
10 „ - -	—	1	1	1	4	5
14 „ - -	—	—	—	—	2	2
15 „ - -	—	—	—	—	2	2
Life - -	—	—	—	—	—	—
Total -	9	34	43	12	41	53

J. S. Whitty, Director.

C.

Ireland.

Return showing the Number of Male Convicts released on Licence from the Intermediate Prisons at Forts Camden and Carlisle during each of the last Six Years, and their disposal on discharge from Prison.

Year.	Number released on Licence.	Placed under Supervision of the Constabulary.	Placed under Supervision of the Lecturer of Smithfield.	Gone abroad, &c.	Number who have subsequently had their Licences revoked, or been re-convicted to Penal Servitude or Transportation before expiration of Sentence.
1856	139	*139*	—	—	3
1857	80	76	1	3	7
1858	8	8	—	—	—
1859	1	1	—	—	—
1860	—	—	—	—	—
1861	—	—	—	—	—
	228	224	1	3	10

* Constabulary supervision was not established until 1st January 1857, and the number printed in italics for the year 1856 is merely inserted in order that the totals may correspond.

Since 1858 inclusive it has been the practice to bring the convicts, previously to discharge from the forts, to the intermediate prison at Smithfield, from whence they were released.

J. S. Whitty, Director.

D.

Ireland.

Return showing the Number of Male Convicts released on Licence from Spike Island and Philipstown Prisons (not including the Intermediate Prisons at Forts Camden and Carlisle) during each of the last Six Years, and their disposal on discharge from prison.

Year.	Number released on Licence.	Placed under Supervision of the Constabulary.	Placed under Supervision of the Lecturer of Smithfield.	Gone abroad, &c.	Number who have subsequently had their Licences revoked, or been re-convicted to Penal Servitude or Transportation befor expiration of Sentence.
1856	45	*45*	—	—	3
1857	12	11	1	—	2
1858	34	23	4	7	3
1859	44	34	3	7	1
1860	41	22	6	13	1
1861	27	12	5	10	1
	†203	147	19	37	11

* Constabulary supervision was not established until 1st January 1857, and the number printed in italics for the year 1856 is merely inserted in order that the totals may correspond.

† Of this number 114 were grave offenders, besides others not eligible for intermediate prisons, and also of a class not likely to relapse into crime.

J. S. Whitty, Director.

APPENDIX No. 12a. - - - - - -

PAPER delivered in by J. P. ORGAN, Esq., March 17, 1863. -

IRELAND.

REPORTS of the LECTURER of the INTERMEDIATE PRISONS in

SECOND REPORT on Men on Licence,

Date of Conviction.	Sentence.	Date of Discharge.	Crime.	Former Convictions.	Name.	Residence.
Jan. 5, 1852	10	April 9, 1856	Receiving -	A terror in the neighbourhood where he lived.		
Jan. 20, 1853	7	Dec. 12, 1856	Cow stealing -	A very bad character -		
Oct. 25, 1852	10	Dec. 6, 1856	Cattle stealing	Bad for 2 years -		
July 1, 1852	7	Feb. 2, 1858	Receiving -	2 years in crime -		
Oct. 30, 1852	10	Sept. 9, 1857	Burglary -	Bad 8 years - -		
Feb. 22, 1853	10	July 5, 1857	Burglary and robbery.	In crime for years -		
June 16, 1852	10	Dec. 8, 1857	„ „	„ „ „		
June 20, 1853	10	Nov. 16, 1857	Cow stealing -	2; 2 years in crime -		
Jan. 8, 1853	10	July 27, 1857	Larceny -	5; very bad character		
„ „	10	„ „	Burglary -	A very bad character -		
June 29, 1852	10	„ „	„ „	One of a gang - -		
Mar. 13, 1853	10	Aug. 13, 1857	Burglary and robbery.	4, 4 years in crime -		
„ „	10	„ „	„ „	A daring burglar -		
Oct. 25, 1851	15	Aug. 21, 1857	„ „	A city pickpocket -		
Jan. 4, 1853	10	May 12, 1858	Stealing jewellery.	Bad and idle habits -		
June 29, 1857	10	Nov. 16, 1858	Arson - -	5 years in crime -		
July 16, 1853	10	Nov. 20, 1858	Highway robbery -	A Dublin burglar -		
Jan. 15, 1853	10	Aug. 25, 1859	Stealing heifers - -	Bad and idle habits -		
Oct. 22, 1853	10	Sept. 16, 1857	Burglary -	Intemperate habits -		
July 8, 1857	14	July 2, 1859	Receiving -	One of a gang - -		
July 7, 1853	15	Oct. 20, 1859	Burglary and sheep stealing.	Bad - - -		
Feb. 7, 1852	15	Nov. 11, 1859	Burglary -	1; bad temper -		
June 27, 1851	10	Apr. 9, 1857	„	2; bad character -		
Oct. 26, 1852	15	Mar. 3, 1860	„	A dangerous prisoner		
Feb. 27, 1854	14	Apr. 25, 1860	Burglary and robbery -	Bad - - -		
July 14, 1852	14	June 24, 1859	Horse-stealing	Bad and idle habits -		
June 19, 1854	10	Mar. 7, 1861	Burglary in dwelling -	1 year in crime -		
Aug. 6, 1852	10	Mar. 9, 1856	Burglary -	In crime from boyhood		
Jan. 4, 1853	10	Aug. 12, 1858	Cattle-stealing	In crime for years -		
Apr. 7, 1853	7	Apr. 9, 1856	Larceny -	7; highway robberies-		
Oct. 10, 1851	10	Apr. 7, 1856	Cow-stealing -	9 years in crime -		

APPENDIX No. 12a.

PAPERS delivered in by J. P. ORGAN, Esq., March 17, 1863.

IRELAND.

IRELAND as to the men under his Supervision in February 1863.

Old Act, for Month of February 1863.

Employers.	Employment.	Wages.	When sentence will expire.	Observations.
		s. d.		
	Labourer -	8 9	Jan. 3, 1862	A man of sober settled habits, with Mr. —— for the last seven years, wife sober and industrious; has a pig and fowls.
	„ -	Var.	June 19, 1860	A man of steady habits, chiefly supported by his friends, being feeble and aged.
	Dealer -	- -	Oct. 25, 1862	Has an ass and cart and pigs, keeps a small lodging house, and sells vegetables, started business with his wife's fortune.
	Labourer -	10 0	July 1, 1860	A man of a quiet disposition, member of a benefit society, very industrious.
	Stone-cutter -	24 0	Oct. 30, 1862	A self dependent character, and likely to do well, he commenced at 8*s.* per week.
	Labourer -	13 6	Feb. 22, 1863	A member of the permanent staff of street labourers, employed by the Dublin corporation.
	Bacon curer -	18 0 and room.	June 16, 1862	Employer quite satisfied, gives him apartments free and other perquisites, he purposes emigrating shortly, he has upwards of 10*l.* saved from his earnings.
	Shoemaker -	30 0	June 20, 1863	Three men of criminal connexions, ——'s father is a returned convict, ——'s brother another, and —— was one of a daring gang of thieves; —— and —— have got married since their discharge and have comfortable homes, —— has saved money, and I never knew one of them to be a week idle since they entered the ranks of the industrious poor.
	„ -	30 0	Jan. 8, 1863	
	„ -	30 0	„	
	Labourer -	10 0	June 29, 1862	I think this man has gone back to his old employer, to whom he proved a faithful honest servant.
	Porter -	12 0	Mar. 13, 1863	So far industrious apparently, but I do not like the appearance of the place in which he resides.
	Gangman -	13 6	„	This man seems to be well-inclined, but when annoyed cannot command himself.
	Labourer -	Var.	Oct. 25, 1861	So far all right, I think he will keep from theft.
	Bottle making	36 0	Jan. 4, 1863	A man who has worked himself into a very trustworthy position, he entered the employment at 10*s.* a week, married a respectable girl.
	Labourer -	12 0	June 23, 1861	A very steady man and I believe well-inclined also.
	Painter -	Var.	Oct. 22, 1863	Left his late residence, supposed to have gone to —— Street, a locality I confess I do not like; I think he is all right (*see* next report).
	Labourer -	10 0	Jan. 15, 1863	A very good father now, but lately sustained a great loss in the death of his son, who assisted him by his earnings.
	Dealer -	Var.	Oct. 27, 1863	An old man whose honesty is appreciated by those with whom he deals.
	Labourer -	12 0	July 8, 1867	This man's employer is very well satisfied. This man and his brother were convicts, and a source of terror in the vicinity.
	„ -	12 0	July 7, 1868	Shrewd and industrious, likely to keep all right.
	„ -	Var.	Feb. 7, 1867	This man has taken to hard labour better than I had anticipated. I have seen him act as hod-man, carrying heavy loads, and he did it cheerfully. A long licence acts in the most salutary manner upon him.
	„ -	12 0	June 23, 1861	A well-meaning man, of sober industrious habits.
	„ -	14 0	Oct. 26, 1867	Self-dependant and industrious, but has a bad wife, who, I fear, annoys him very much by times.
	„ -	10 0	Feb. 27, 1868	So far all right, and likely to remain so whilst employed; wife industrious.
	„ -	10 0	July 14, 1866	Employer speaks very satisfactorily of this man; he is likely not to abuse the good opinion of his master.
	Painter -	Var.	June 19, 1864	I am still prosecuting my inquiries after this man's residence; I know morally he is all, but I shall caution him against changing his residence unknown to me.
	Shoemaker -	24 0	Aug. 6, 1862	About emigrating, a good worker, and a well conducted man.
	Painter -	24 0	Jan. 4, 1863	This man saves in summer what protects him in winter from feeling the effects of non-employment.
	Labourer -	12 0	Apr. 7, 1860	So far no complaints, yet I do not consider him altogether proof against temptation.
	- -	18 0	Oct. 10, 1861	Employer well satisfied; —— is very comfortable now, as his son is working in the same employment.

Date of Conviction.	Sentence.	Date of Discharge.	Crime.	Former Convictions.	Name.	Residence.
June 27, 1853	7	Apr. 9, 1856	Cow-stealing -	2 years in crime -		
Dec. 5, 1851	10	Sept. 11 1857	Killing and stealing a cow	Unknown to us -		
June 26, 1851	10	Dec. 7, 1856	Pocket picking	A pickpocket for years		
Feb. 27, 1854	14	Mar. 24, 1860	Cattle-stealing	1, bad - -		
- -	—	Jan. 7, 1859	- -	- - -		
- -	—	Mar. 3, 1857	- -	- - -		
- -	—	Jan. 21, 1858	- -	- - -		
Feb. 28, 1851	15	June 27, 1858	Burglary -	Unknown to us -		
July, 9, 1853	10	Apr. 9, 1859	Violent assault	1, assault - -		
June 21, 1853	10	Aug. 30, 1859	Burglary and felony -	One of a gang -		
Feb. 26, 1852	10	Dec. 14, 1856	Felony of £16 -	Former character bad		
Apr. 2, 1853	7	Aug. 8, 1856	Larceny -	Bad and idle - -		
June 16, 1852	10	Dec. 18, 1859	Burglary -	Unknown to us -		
„ 16, 1852	15	Aug. 10, 1859	„	In crime from boyhood		
„ 18, 1852	15	Aug. 10, 1857	„	Bad and idle habits -		
Oct. 25, 1852	10	June 20, 1857	House-breaking	One of a gang -		
—		—	- -	- - -		
Sept. 31, 1857	4	Feb. 6, 1861	Felony - -	13, known since 1845 -		
Nov. 17, 1857	3	June 14, 1860	Pocket-picking.	3 „ 1856 -		
May 2, 1858	3	Sept. 12, 1860	Larceny -	6 „ 1849 -		
July 8, 1857	4	Oct. 9, 1860	House breaking.	6 „ 1853 -		
„ 28, 1857	4	July 28, 1861	Felony - -	11 „ 1851 -		
„ 12, 1851	3	June 28, 1861	Bigamy - -	Unknown to us -		
Feb. 4, 1858	4	May 13, 1861	Felony - -	Known since 1857 -		
Feb. 9, 1858	4	„ 14, 1861	Cattle stealing	Unknown to us - -		
Nov. 16, 1858	3	Aug. 22, 1861	Coining - -	2 known since 1855 -		
Sept. 8, 1858	3	„ 24, 1861	Larceny -	9 „ 1850 -		
May 4, 1858	4	Sept. 10, 1861	Burglary and felony.	4 „ 1854 -		
Apr. 10, 1856	6	Oct. 1, 1861	Burglary and robbery.	Unknown to us -		
„ 7, 1858	3	„ 9, 1861	Cattle stealing	4; a thief - - -		
Feb. 8, 1857	3	„ 23, 1861	Larceny -	1 - - - -		
Apr. 7, 1859	3	Sept. 11, 1861	„ -	6, known since 1856 -		
Jan. 12, 1860	3	July 24, 1862	„ -	Unknown to us - -		
Apr. 16, 1857	6	July 24, 1862	Killing a sheep	1 - - - -		
Mar. 28, 1856	4	Mar. 27, 1860	Perjury -	Unknown to us -		
„ 30, 1860	3	Oct. 7, 1862	Coining -	2, known since 1852 -		
„ 2, 1860	7	„	Horse-stealing	A noted horse stealer		
July 9, 1858	3	Jan. 21, 1861	Larceny -	7 known since 1852 -		
June 4, 1859	4	Nov. 24, 1862	„ -	15; known since 1849, a returned convict.		
„ 20, 1860	3	Jan. 16, 1863	Sub-felony -	1; bad, many years in crime.		
July 13, 1860	3	„ 17, 1863	Sheep-stealing	Unknown to us -		
- -	-	- -	- -	- - -		
Mar. 29, 1860	3	Oct. 28, 1862	Larceny -	2 known since 1858 -		
Oct. 18, 1859	4	Feb. 21, 1863	Larceny from the person.	11, 7 or 8 years in crime.		
„ 11, 1859	4	„ 24, 1863	„	A professional pickpocket.		

ischarged on Licence for Month of February 1863.

Employer.	Employment.	Wages.	When sentence will expire.	Observations.
		s. d.		
	Labourer -	10 0	June 27, 1860	An industrious, sober man, who retains employment as long as he can do so by his own good conduct.
	„ -	10 0	Dec. 5, 1861	A very attentive man to his business, sober and regular in his habits.
	„ -	10 0	June 21, 1861	A very well disposed man, most sober and industrious.
	„ -	12 0	Feb. 27, 1863	All right so far, likely to keep from crime if he get employment.
	„ -	14 0	- -	No complaints so far, bad tempered by times.
	„ -	10 0	- -	Very comfortable just now, enjoys the confidence of his employers.
	„ -	13 6	- -	I like the appearance of the man; lately married.
	„ -	10 0	Feb. 28, 1861	Industrious, but place of residence objectionable.
	„ -	10 0	July 9, 1863	Employer quite satisfied; serves him well.
	„ -	10 0	June 21, 1863	I think the employer of this man trusts him too much, he sends him to collect rents, which is rather unfair to the man.
	Bricklayer -	30 0	Feb. 26, 1862	A man who has benefited much by his prison training.
	Labourer -	10 0	Apr. 2, 1860	This man has kept from prison longer than I had anticipated, perhaps getting married accounts for it.
	Shoemaker -	Var.	June 16, 1862	This man is now conducting business for his late master's widow; and is much respected by her.
	Mat-maker -	Var.	June 15, 1867	This man, should he keep from crime, has been saved by 3*s.* in time of need.
	Lock keeper -	—	- -	All right so far, very industrious and anxious to keep from crime.
	Collector -	—	- -	Eccentric, shrewd, and perhaps slippery.
	- -	—	- -	Jobbing here and there through the city and connty, a very slippery character indeed.
	Newsvender -	Var.	Sept. 31, 1861	Keeping from crime contrary to the opinion of many who knew his family.
	Painter - -	7 0	Nov. 17, 1860	This boy seems to have given up his former crimes and companions, and now assists his mother, who receives bad treatment from a drunken father.
	Labourer -	10 0	May 2, 1861	Doing very well just now, sober and attentive to his business.
	- -	- -	July 8, 1861	Rather hypocritical as regards religious matters; indolent.
	Labourer -	Var.	„ 28, 1861	Not to be depended upon, a thief from infancy.
	Servant -	- -	„ 12, 1861	Not likely to relapse I think, living with his sister, who keeps washing and mangling going on.
	Carpenter -	12 0	Feb. 4, 1862	All right, about to emigrate, well-conducted and industrious.
	Labourer -	12 0	„ 9, 1862	A good father, sober and regular in his habits.
	„ -	10 0	Nov. 16, 1861	An itinerant rag dealer, living upon his ways and means.
	„ -	10 0	Sept. 8, 1861	Greatly changed for the better, rather a good son now.
	Bell-hanger -	15 0	May 4, 1862	Steadier since he got married, I hope he may keep all right.
	Labourer -	14 0	April 10, 1862	Steady, sober, and attentive to business.
	„ -	10 0	„ 7, 1861	A good father and a prudent husband.
	„ -	10 0	Feb. 8, 1862	Likely to keep all right, steady and sober, lately married.
	„ -	10 0	April 7, 1862	A Dublin rowdy, not to be depended upon, though industrious.
	„ -	12 0	Jan. 12, 1863	So far no complaints, lately left Mr. ——'s employment.
	„	10 0	Apr. 16, 1863	Very industrious, sober and steady.
	Tailor - -	Var.	Mar. 27, 1860	A man who would not work if he could evade it.
	Shoemaker -	„	„ 30, 1863	A man of intemperate habits, by times a true type of a fast shoemaker.
	Labourer -	„	„ 2, 1863	Likely to keep from crime for some time, very cunning.
	„ -	—	July 9, 1861	He is out of prison still, this is all I can say about him.
	„ -	10 0	June 4, 1863	So far all right, I hope he may continue so.
	„ -	10 0	„ 2, 1863	So far all right, a deal of low cunning about him.
	„ -	10 0	July 13, 1863	A hard-working man, likely to keep all right.
	„ -	10 0	- -	No complaints so far, apparently all right.
	Painter - -	Var.	Mar. 29, 1863	No complaints so far, apparently all right.
	- -	—	Oct. 18. 1863	Gone to N——.
	- -	—	- -	Emigrated.

SECOND REPORT on Unconditionally Discharged

Date of conviction.	Sentence.	Date of Discharge.	Crime.	Former convictions.	Name.	Residence.
Oct. 6, 1853	4	Oct. 6, 1857	Assault and felony.	Unknown to us -		
Mar. 22, 1857	4	Mar. 21, 1858	Burglary -	13 years in crime -		
June 27, 1854	4	June 26. 1858	Larceny -	4 - - - -		
Aug. 8, 1854	4	Aug, 6, 1858	Stealing a shirt	26 years in crime -		
„ 1, 1854	4	July 31, 1858	Felony - -	6 - - -		
Feb. 27, 1855	4	Feb. 27, 1859	Larceny -	A very bad character -		
Feb. 28, 1855	4	Feb. 27, 1859	Forgery -	Unknown to us - -		
June 27, 1855	4	June 27, 1859	Receiving -	„ „ -		
May 4, 1854	4	May 3, 1858	Obtaining goods under false pretences.	6 - - - - -		
June 7, 1854	4	June 6, 1858	Forgery - -	4, known since 1852 -		
Nov. 16, 1855	4	Nov. 15, 1859	Felony - -	Unknown to us - -		
Oct. 25, 1855	4	Oct. 25, 1859	Felonious Assault.	1, assault - - -		
Oct. 26, 1855	4	Oct. 10, 1859	Arson - -	A very bad character; a returned convict.		
May 3, 1856	4	Nov. 16, 1860	Larceny -	Bad for two years -		
Apr. 9, 1856	4	Apr. 8, 1860	„ - -	A returned convict -		
May 6, 1856	4	May 5, 1860	Felony - -	7, known since 1851		
Apr. 15, 1856	6	May 14, 1862	House breaking.	2 - - - - -		
June 18, 1856	4	June 17, 1860	Arson - -	1 - - - - -		
May 6, 1856	4	May 5, 1860	Felony - -	3 in crime since 1847 -		
Dec. 12, 1856	4	Dec. 5, 1861	„ -	7 - - - - -		
Oct. 7, 1856	4	Oct. 1, 1860	Burglary and felony.	2 known since 1847 -		
Feb. 26, 1857	4	Feb. 25, 1861	Burglary -	2 3 years in crime -		
Jan. 11, 1854	5	Jan. 10, 1859	Highway robbery.	3 Larcenies - -		
Dec. 6. 1856	4	Dec. 4, 1858	Embezzlement	Unknown to us -		
Jan. 5, 1855	4	Jan. 4, 1859	Larceny -	1 bad character -		
May 9. 1856	4	May 5, 1860	Felony -	Unknown to us -		
Oct. 26, 1855	4	Oct. 25, 1859	Receiving -	1 Larceny -		
Nov. 10, 1857	4	Nov. 9, 1861	Felony -	3 Larcenies - -		
Jan. 28, 1857	4	June 27, 1851	Larceny -	1 bad since 1853 -		
Feb. 9, 1858	4	Feb 8, 1862	Cattle stealing	1 Cattle stealing -		
—	—	May 9, 1857	„ — „	„ „ „ —		
—	—	June 23, 1859	—	—		
—	—	May 9 1861	—	—		
—	—		—	—		
—	—		—	—		
—	—	—	—	—		
—	—	—	—	—		
—	—	—	—	—		

Prisoners for month of February 1863.

Employer.	Employment.	Wages.	Observations.
		s. d.	
	Labourer -	8 6	Sober and well-conducted; walks into Dublin each Saturday to share his earnings with his family.
	Mason -	30 0	Self-dependent; conduct satisfactory. I apprenticed him five years ago. at 10*s.* a week.
	Labourer -	10 0	This man seems to have settled down to honest industry, trusted by employer.
	„ -	13 6	A very sober man, very attentive to business, and likely to remain all right.
	„ -	12 0	A reformed drunkard; wife and himself industrious and sober; keeps a provision shop.
	Carter . -	12 0	A steady industrious man: keeps a vegetable shop, which is minded by his wife; his brother and himself were convicts, and once very bad men.
	Clerk - -	15 0	The parents of this young man appear pleased with the manner in which he is conducting himself.
	Labourer -	12 0	So far no complaints; he appears industrious and rather well disposed. Constantly employed.
	Commission Agent.	Var.	These two men, if not dishonest, are certainly suspicious; their very appearance suggests suspicion; they always appear deeply bent upon business, but what this business is I cannot say.
	Bill Discounter	„	
	Painter -	„	In my conversation with this man last week he told me he had given up drinking whiskey; I hope he may continue sober, as he is now in a very fair way of getting on; he keeps a glazing shop; his brother was a convict also.
	Bailiff - -	12 0	Once a great drunkard and reckless character, now sober and apparently well-disposed.
	Labourer -	12 0	Enjoys the confidence of his master to a very great extent; he is now a proper man and much respected by the industrious poor who know him.
	Clerk - -	90*l.*	
	Labourer -	10 0	Apparently all right; mends shoes at night when he can get such work.
	„	—	This was a most demoralizing man, he seems tired of badness; his keeping out of prison astonishes some police authorities.
	„ -	12 0	This man is spoken highly of by his employer, who trusts him very much, in fact more than I consider just to the man himself.
	Waiter -	Var.	A young man of delicate health, chiefly employed in light work, such as going of messages, cleaning boots; well inclined.
	Labourer	10 0	There are numerous circulations relative to this man's character, which are not very creditable; he continues to be engaged at hour work under his employer.
	„ -	10 0	Apparently anxious to work honestly, yet I would not confide in him too much.
	Shopkeeper -	20 0	All right, his position is one of great trust.
	Mason -	26 0	Absorbed amongst honest and self-dependent tradesmen, respectably married. Not likely to return.
	Labourer -	12 0	A very shrewd man, quite awake to his own interest, not likely to relapse.
	„ -	10 0	So far no complaints; attentive to business; if idle he would rob.
	„ -	12 0	A good son this to his aged parents.
	Mason -	26 0	Left Mr. ——'s to be employed on the —— Works. All right.
	Messenger -	Var.	Doing his best to earn an honest livelihood; he married lately, much to his advantage in many ways.
	Clerk - -	20 0	I cannot give the exact address of this man as he seems anxious to conceal it, perhaps it is that he does not wish his place of abode to be known to me. Very clever but not over fond of truth.
	Labourer -	12 0	Employer speaks very well of this man, likely to remain all right under present circumstances.
	„ „	12 0	Employed as a carter, well disposed, lately married.
	Labourer -	10 0	I believe this man has not left hospital yet. Disease, sore eyes. Industrious.
	Mason -	24 0	A steady, industrious man. Likely to remain all right.
	Painter -	26 0	Attentive to business and well employed.
	Shoemaker -	Var.	
	Labourer -	„	I consider this a very suspicious character; not inclined for work.
	„	10 0	Apparently industrious. He may fall.
	„	11 0	Apparently well disposed. Rather too smooth in speech.
	Tailor -	Var.	Likely to keep all right if employed; otherwise slippery.

APPENDIX No. 12b.

Letter from Miss Kirwan as to the Refuges for Female Convicts in Ireland.

St. Vincent's Reformatory, Golden Bridge, Dublin,
April 2, 1863.

Sir,

Having heard that evidence has been received by the Royal Commission to the effect that I was of opinion that we laboured under a great disadvantage in the management of female convicts in Ireland, in consequence of their having to look forward to detention in a refuge instead of absolute liberty, and having been asked to give my opinion on this point, as well as to explain our general management, I beg to offer the following remarks. I have never found the convicts discontented either here or at Mountjoy prison (which we visit three times a week) in consequence of not being discharged at the same period of their sentence, as the men are sent on licence; nor have I ever heard the authorities at the prison complain of disorder arising there because the women have to look forward to the refuges, as they have been made to understand the object for which the refuge was established, and they are fully aware, that their future position in life depends on the habits and character they acquire here. Those we receive under long sentences are discharged by an extension of licence at the same period of their sentences as the men (under the same sentence) are discharged from the intermediate prisons; but those who have been sentenced to three or four years penal servitude have to be retained longer in the refuge than the men in an intermediate prison for the following reasons:

1st. It is generally admitted that it is more difficult to reform a woman than a man, who has the additional check of supervision when liberated.

2ndly. The public would have no confidence in their reformation unless they spent a considerable time under our care in comparative liberty and in offices of trust. Men are more frequently employed at outdoor work, whereas women are generally engaged in household duties, often with valuable property under their charge, therefore they require more time for training and testing them.

3rdly. The females of the criminal class are essentially idle and ignorant to helplessness, consequently it takes time to enable them to conquer their former habits, and to acquire new ones; heart, head, and hands have to be taught, or rather first untaught, and then retaught. It is not enough to let them see the evils of a life of crime, but we must teach them how to earn their bread honestly in future, and put them in the way of doing so.

The women are sent here from the Government prison at the same period of their sentences as the male prisoners become eligible to be transferred to an intermediate prison, and they are selected in the same manner, with a few exceptions, since the short sentences came into use.

For instance, women, advanced in life, who have been convicted, in some cases a hundred or a hundred and fifty times, and who only become eligible by marks for the refuge near the close of a three years' sentence,—these we do not take, as, humanly speaking, we could not expect to find, after long habits of crime, a permanent improvement to take place in a few months, and feeling doubtful of their reformation we could not recommend them to the employment of our honest neighbours; therefore no good could be effected.

This will bring before you the great disadvantage we have been labouring under since the long sentences of transportation were changed for the present short sentences of penal servitude. As well as I can observe the prospect of a short sentence does not deter an habitual offender from a life of crime; but on the contrary, the regular life in prison, rest, and good medical care are sometimes an advantage to her. She does not devote herself to self-

improvement and exert herself to gain her marks, as she knows she must soon be discharged, when she returns to her old habits with renewed vigour; whereas when a woman is sentenced to seven years' penal servitude, no matter what her antecedents may have been, she gets subdued, and begins to "Lay down her mind to be good" (as they usually say) being fully aware that the term of her imprisonment, within certain limits, entirely depends on her conduct, and she sees it is her interest to earn her marks. She is removed to the refuge at the appointed time, where she is taught all the duties of a domestic and farm servant, and when she acquires habits of industry, self-control, and self-respect, she is provided with suitable employment and perseveres in a good life for the future.

I am, &c.

(Signed) Sister Mary Magdalen Kirwan.

To the Secretary to the
Penal Servitude Acts Commission.

APPENDIX No. 13. - - - - -

PAPERS delivered in by Mr. JOHN SMITH, 20th March 1863 - -

A. - - - - - -

LIST of RETURNED CONVICTS committed to the Prison

1	2			4	5			6	7
No.	Initials of Names.	Age and Sex.		Convictions previous to Sentence of Transportation or Penal Servitude.	Sentence of Transportation or Penal Servitude.			Date of expiry of Sentence of Penal Servitude or Transportation.	Date of first Commitment to this Prison after return from Penal Servitude or Transportation.
		M.	F.		Date.	Offence.	Sentence.		
							Years.		
1	B. R.	–	45	3 times for theft - -	Jan. 18, 1858	Theft	4	Jan. 18, 1862	Feb. 14, 1862
2	C. S.	–	61	4 theft, 1 assault - -	May 14, 1851	,,	10	May 14, 1861	Dec. 27, 1861
3	J. T.*	21	–	2 theft, 1 malicious mischief	Mar. 23, 1858	,,	4	Mar. 23, 1862	Feb. 27, 1862
4	H. D.	61	–	1 theft - - -	Nov. 2, 1855	,,	5	Nov. 2, 1860	Mar. 5, 1862
5	W. Mc L.*	19	–	3 theft - - -	Nov. 30, 1857	,,	4	Nov. 30, 1861	Nov. 14, 1861
6	F. F.*	19	–	4 theft, 1 attempting to pick pockets.	Nov. 7, 1857	,,	5	Nov. 7, 1862	Mar. 28, 1862
7	G. M.	20	–	2 theft - - -	Nov. 7, 1857	,,	4	Nov. 7, 1861	Apr. 1, 1862
8	W. M.*	19	–	2 theft - - -	May 8, 1858	,,	4	May 8, 1862	Apr. 1, 1862
9	M. B.*	–	31	3 theft, and frequently for disorderly conduct, &c.	Mar. 2, 1857	Robbery	5	Mar. 2, 1862	Nov. 26, 1861
10	B. H.	–	41	Not known - -	Sentenced at Perth		4	Not known	Oct. 22, 1860
11	D. Mc P.	32	–	2 theft, 3 disorderly -	Mar. 15, 1854	Assault with intent to rob.	4	Mar. 15, 1858	Apr. 17, 1862
12	J. W.*	30	–	3 theft, 1 assault, 1 reckless driving.	June 28, 1858	Theft	4	June 28, 1862	May 3, 1862
13	J. S.*	–	28	6 theft, 1 assault, 1 disorderly, 1 begging.	June 28, 1858	,,	4	June 28, 1862	May 3, 1862
14	J. Mc H.*	20	–	3 theft - - -	May 8, 1858	,,	4	May 8, 1862	May 5, 1862
15	M. H.*	–	27	2 theft, 10 disorderly, 3 assault, 2 importuning.	Mar. 23, 1858	,,	4	Mar. 23, 1862	Oct. 28, 1861
16	J. M.*	40	–	1 theft, 1 excise offence, 2 harbouring thieves.	Nov. 17, 1851	,,	7	Nov. 17, 1858	Apr. 9, 1856
17	A. L.*	–	30	4 theft, 2 assault, 15 disorderly, 2 importuning.	July 23, 1858	,,	4	July 23, 1862	July 21, 1862
18	J. C.	26	–	3 theft - - -	May 1, 1856	,,	4	May 1, 1860	Nov. 9, 1861
19	J. S.	25	–	2 theft - - -	May 18, 1857	,,	4	May 18, 1861	May 16, 1862
20	E. C.	–	36	4 theft - - -	Apr. 24, 1857	,,	4	Apr. 24, 1861	Aug. 21, 1861
21	F. C.*	19	–	6 theft - - -	Nov. 22, 1858	,,	4	Nov. 22, 1862	May 29, 1862
22	M. M.	–	18	4 theft - - -	Nov. 2, 1855	,,	5	Nov. 2, 1860	June 9, 1862
23	J. R.	–	21	2 theft, 6 disorderly -	June 23, 1856	,,	4	June 23, 1860	Aug. 22, 1860
24	J. K.	28	–	2 theft, 1 forgery - -	May 18, 1857	,,	5	May 18, 1862	June 28, 1862
25	A. R.	22	–	2 theft - - -	Dec. 1, 1856	,,	4	Dec. 1, 1860	Aug. 14, 1861
26	J. C.	–	29	1 theft - - -	Dec. 12, 1853	,,	4	Dec. 12, 1857	July 10, 1862
27	C. L.	–	33	1 assault, 16 disorderly, 7 importuning.	Nov. 2, 1855	,,	4	Nov. 2, 1859	Feb. 23, 1860
28	P. J.*	39	–	3 theft - - -	Nov. 22, 1858	,,	4	Nov. 22, 1862	Aug. 6, 1862
29	E. H.*	–	56	Not known - - -	Nov. 2, 1840	,,	7	Nov. 2, 1847	July 4, 1844
30	M. G.	–	50	2 theft - - -	Dec. 15, 1856	,,	4	Dec. 15, 1860	Oct 11, 1861
31	W. N.	21	–	3 theft - - -	Nov. 6, 1856	,,	4	Nov. 6, 1860	Jan. 22, 1861
32	M. G.*	–	37	1 theft, 1 disorderly -	July 21, 1851	Robbery	14	July 21, 1865	Nov. 8, 1860
33	S. W.*	–	46	1 assault, 1 disorderly -	July 21, 1851	,,	14	July 21, 1865	Sept. 6, 1862
34	A. McC.*	–	22	2 theft, 3 disorderly -	Nov. 8, 1858	Theft	4	Nov. 8, 1862	Sept. 8, 1862
35	D. F.*	45	–	2 theft - - -	Mar. 17, 1848	,,	7	Mar. 17, 1855	Feb. 17, 1851
36	E. H.*	–	21	4 theft - - -	June 14, 1858	,,	4	June 14, 1862	Oct. 1, 1861
37	J. S.	–	43	1 theft - - -	Nov. 8, 1854	,,	4	Nov. 8, 1858	Sept. 24, 1862
38	C. B.	–	27	3 theft, 58 times for disorderly conduct, &c.	Nov. 7, 1856	,,	5	Nov. 7, 1861	Nov. 14, 1861
39	M. McG.*	30	–	1 theft - - -	Feb. 3, 1851	,,	7	Feb. 3, 1858	Sept. 27, 1854
40	D. M.	24	–	6 theft, 1 housebreaking with intent to steal.	July 21, 1851	,,	7	July 21, 1858	Sept. 19, 1862

APPENDIX No. 13.

PAPERS delivered in by Mr. JOHN SMITH, 20th March 1863.

A.

of Edinburgh during the Year ended 31st December 1862.

8			9	10			11
Convictions for Offences committed during currency of Ticket of Leave.			Convictions for Offences committed after expiry of Sentence of Transportation or Penal Servitude.	Re-sentenced to Penal Servitude, included in convictions in columns 8 and 9.			Licence revoked. Removed to undergo unexpired portion of Sentence of Penal Servitude.
Date.	Offence.	Sentence.		Date.	Offence.	Sentence.	
						Years.	
- - -	- -	-	1 theft - - -	Mar. 17, 1862	Theft	8	—
- - -	- -	-	2 theft	—	—	—	—
Mar. 17, 1862	Theft	8 years	- - - - -	Mar. 17, 1862	Theft	8	—
- - -	- -	-	1 theft - - -	May 19, 1862	„	8	—
Nov. 14, 1861	Theft	60 days	1 robbery - - -	May 19, 1862	Robbery	10	—
May 19, 1862	„	8 years	- - - - -	May 19, 1862	Theft	8	—
—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
Nov. 26, 1861	Theft	60 days	1 theft - - -	May 19, 1862	Theft	4	—
- - -	- -	-	1 theft, 5 disorderly.	—	—	—	—
- - -	- -	-	1 assault, 1 disorderly.	—	—	—	—
July 3, 1862	Theft	2 years	—	—	—	—	—
July 3, 1862	„	60 days	—	—	—	—	—
May 5, 1862	Disorderly	5 days	1 assault.	—	—	—	—
Once for assault, and 5 times for disorderly conduct.			1 assault, 3 disorderly.	—	—	—	—
Once for assault, and 3 times for breach of public-house Act.			2 assault, 2 disorderly, 4 excise offence, 1 deserting wife.	—	—	—	—
July 21, 1862	Disorderly	15 days	3 disorderly, 1 importuning.	—	—	—	—
- - -	- -	-	2 theft - - -	May 19, 1862	Theft	8	—
- - -	- -	-	1 theft - - -	July 14, 1862	„	6	—
- - -	- -	-	2 disorderly, 1 theft -	June 23, 1862	„	4	—
—	—	—	—	—	—	—	—
- - -	- -	-	1 disorderly.	—	—	—	—
- - -	- -	-	1 theft, 15 disorderly -	Dec. 8, 1862	Theft	8	—
- - -	- -	-	1 theft.	—	—	—	—
- - -	- -	-	4 disorderly.	—	—	—	—
—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
Aug. 6, 1862	Disorderly	30 days	10 disorderly, 9 importuning.	—	—	—	—
19 times for disorderly conduct.			22 disorderly, 9 importuning, 2 assault.	—	—	—	—
- - -	- -	-	2 theft - - -	Nov. 17, 1862	Theft	8	—
- - -	- -	-	1 assault.	—	—	—	—
Sept. 5, 1862	Breach of public-house Act	20 days	- - - - -	- - -	-	-	Sept 25, 1862
Sept. 6, 1862	Theft	60 days	- - - - -	- - -	-	—	Nov. 5, 1862
Sept. 8, 1862	Disorderly	15 days	—	—	—	—	—
Feb. 17, 1851	Theft	10 years	1 theft - -	Nov. 17, 1862	Theft	6	—
				Feb. 17, 1851	„	10	—
Oct. 1, 1861	Assault	30 days	1 disorderly.	—	—	—	—
- - -	- -	-	1 theft.	—	—	—	—
- - -	- -	-	7 disorderly.	—	—	—	—
Sept. 27, 1854	Theft	8 years	1 theft - -	Dec. 8, 1862	Theft	15	—
				Sept. 27, 1854	„	8	—
- - -	- -	-	1 theft - - -	Sept. 27, 1854	„	10	—

APPENDIX No. 13.—*cont.* - - - -

1	2			4	5			6	7
No.	Initials of Names.	Age and Sex.		Convictions previous to Sentence of Transportation or Penal Servitude.	Sentence of Transportation or Penal Servitude.			Date of expiry of Sentence of Penal Servitude or Transportation.	Date of first Commitment to this Prison after return from Penal Servitude or Transportation.
		M.	F.		Date.	Offence.	Sentence.		
							Years.		
41	R. W.	40	–	2 theft - - -	Nov. 13, 1854	„	5	Nov. 13, 1859	Oct. 15, 1862
42	J. McA.*	43	–	2 theft, 6 disorderly -	Mar. 13, 1851	„		Mar. 13, 1858	Feb. 27, 1856
43	H. A.	–	26	5 theft - - -	Nov. 7, 1856	„	4	Nov. 7, 1860	Nov. 3, 1862
44	M. M.	24	–	4 theft, 1 disorderly -	May 18, 1857	„	5	May 18, 1862	Nov. 15, 1862
45	J. H.*	30	–	1 theft, 1 disorderly, 2 assault.	May 15, 1851	„	7	May 15, 1858	Mar. 31, 1858
46	M. B.	–	21	2 theft, 1 disorderly, 1 importuning.	June 23, 1856	„	4	June 23, 1860	Nov. 29, 1862
47	E. M.	–	34	1 theft, 1 disorderly -	May 7, 1858	„	4	May 7, 1862	Dec. 10, 1863
48	M. C.	–	26	1 theft - - -	Mar. 15, 1854	„	4	Mar. 15, 1858	Nov. 29, 1862
49	G. McD.*	40	–	3 theft - - -	May 10, 1858	„	10	May 10, 1868	Sept. 4, 1863
50	M. B.	–	36	2 theft, 2 assault, 11 disorderly.	Nov. 11, 1853	„	4	Nov. 11, 1857	May 13, 1858
51	A. S.	–	54	2 theft - - -	Nov. 30, 1857	„	4	Nov. 30, 1861	Apr. 18, 1863
52	J. McG.	21	–	3 theft, 3 disorderly -	Nov. 8, 1858	„	4	Nov. 8, 1862	Dec. 15, 1863
53	C. G.	–	35	5 theft - - -	May 31, 1847	„	7	May 31, 1854	Aug. 2, 1856
54	J. D.	–	43	3 theft - - -	Mar. 15, 1854	„	4	Mar. 15, 1858	Dec. 29, 1863

NOTE.—The above return shows that during the past year 54 returned convicts have been committed to th licence or ticket of leave, and were committed to this prison during currency of said licence or ticket of leave; licence holders, for offences committed during currency of their licences, were for assaults, breaches of Publi Edinburgh during the past year 56 persons were sentenced to penal servitude, of whom 15, or about 27 per cen transportation, being the only guide in ascertaining which of the convicts have been liberated on licence liberated, although not re-committed to this prison till after the full expiry of their sentences of transportation

Of the above 54 convcts, 37 were imprisoned for offences committed after the full expiry of their sentences conduct, &c.: 13 of them were re-sentenced to penal servitude, one to 18 months imprisonment, and the rest

APPENDIX No. 13.—*cont.*

8			9	10			11
Convictions for Offences committed during currency of Ticket of Leave.			Convictions for Offences committed after expiry of Sentence of Transportation or Penal Servitude.	Re-sentenced to Penal Servitude, included in convictions in columns 8 and 9.			Licence revoked. Removed to undergo unexpired portion of Sentence of Penal Servitude.
Date.	Offence.	Sentence.		Date.	Offence.	Sentence.	
- - -	- -	-	1 disorderly.	—	—	—	—
Aug. 18, 1856	Theft	60 days	10 disorderly, 4 obstructing thoroughfare.	—	—	—	—
And once for assault, and once for disorderly conduct							
- - -	- -	-	1 theft.	—	—	—	—
—	—	—	—	—	—	—	—
Mar 31, 1858	Assault	15 days	2 assault, 3 disorderly.	—	—	—	—
—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
- - -	- -	-	1 disorderly.	—	—	—	About
- - -	- -	-	- - - - - -	- - -	-	-	Sept. 10, 1862
- - -	- -	-	17 disorderly, 3 assault.	—	—	—	—
- - -	- -	-	1 theft - - -	May 19, 1862	Theft	8	—
- - -	- -	-	1 breach of public-house Act.	—	—	—	—
- - -	- -	-	3 disorderly.	—	—	—	—
—	—	—	—	—	—	—	—

prison of Edinburgh. Of these 54, the 23 marked* had been liberated from penal servitude or transportation on
of them for theft, of whom four were re-sentenced to penal servitude. The other convictions against said 23
house Act, and disorderly conduct, for which last offence 19 convictions are recorded against one of them. At
were returned convicts. The date of first commitment to this prison, after return from penal servitude or
ticket of leave, a considerable number of the above 54 convicts, besides the 23 marked *, may have been so
penal servitude.
transportation or penal servitude; 17 of these 37 were for theft, 1 for robbery, and the rest for assaults, disorderly
imprisonments for short periods of 60 days and under.

B.

LIST of RETURNED CONVICTS committed to the PRISON of EDINBURGH in the Year 1862, who had been liberated from Penal Servitude or Transportation, and were re-committed to Prison before the full expiry of their Sentences of Penal Servitude or Transportation.

No.	No. in Appendix No. A.	Initials.	Sentence of Transportation or Penal Servitude.			Date of expiry of Sentence of Transportation or Penal Servitude.	Date of first Commitment to this Prison after return from Transportation or Penal Servitude.	Portion of Sentence of Transportation or Penal Servitude unexpired when first re-committed to Prison.	Convictions for Offences committed between the Date of release from Penal Servitude or Transportation and the Date of full expiry of Sentence of Penal Servitude or Transportation.			Remarks.
			Date.	Offence.	Sentence.				Date.	Offence.	Sentence.	
					Years.			Days.				
1	32	M. G.	July 21, 1851	Robbery	14	July 21, 1865	Nov. 8, 1860	1,71	Sept. 5, 1862	Breach of Public House Act	20 days.	Licence revoked.
2	33	S. W.	„	„	14	„	Sept. 6, 1862	1,048	Sept. 6, 1862	Theft - - -	60 days.	
3	4	G. Mc D.	May 10, 1858	Theft -	10	May 10, 1868	Sept. 4, 1862	2,073	—	—	—	Where, on first recommitment, resentenced to Penal Servitude or Trasportation, or to longer periods of imprisonment than remained unexpired of their first Sentences of Penal Servitude or Transportation.
4	3	J. T.	Mar. 23, 1858	„	4	Mar. 23, 1862	Feb. 27, 1862	24	Mar. 17, 1862	Theft - - -	8 years.	
5	5	W. Mc L.	Nov. 30, 1857	„	4	Nov. 30, 1861	Nov. 14, 1861	16	Nov 14, 1861	„	60 days.	
6	6	F. F.	Nov. 7, 1857	„	5	Nov. 7, 1862	Mar. 28, 1862	224	May 19, 1862	„	8 years.	
7	12	J. W.	June 28, 1858	„	4	June 28, 1862	May 3, 1862	56	July 3, 1862	„	2 years.	
8	13	I. S.	„	„	4	„	„	56	„	„	60 days.	
9	14	J. Mc K.	May 8, 1858	„	4	May 8, 1862	May 5, 1862	3	May 5, 1862	Disorderly - - -	5 days.	
10	17	A. L.	July 23, 1858	„	4	July 23, 1862	July 21, 1862	2	July 21, 1862	„	15 days.	
11	35	D. F.	Mar. 17, 1848	„	7	Mar. 17, 1855	Feb. 17, 1851	1,488	Feb. 17, 1851	Theft - - -	10 years.	
12	39	M. Mc G.	Feb. 3, 1851	„	7	Feb. 3, 1858	Sept. 27, 1854	1,224	Sept. 27, 1854	„	8 years.	
13	16	J. M.	Nov. 17, 1851	„	7	Nov. 17, 1858	April 9, 1856	952	April 9, 1856	Breach of Public House Act	42 days.	Were duly reported.
									Sept. 24, 1856	„	3 months.	
									June 26, 1857	Assault - - -	10 days.	
14	28	P. J.	Nov. 22, 1858	„	4	Nov. 22, 1862	Aug. 6, 1862	108	Aug. 6, 1862	Disorderly - - -	30 days.	
15	45	J. H.	May 15, 1851	„	7	May 15, 1858	Mar. 21, 1858	45	Mar 31, 1858	Assault - - -	15 days.	
16	21	T C.	Nov. 22, 1858	„	4	Nov. 22, 1862	May 29, 1862	177	Committed charged with theft but was not convicted.			
17	29	E. H.	Nov. 2, 1840	„	7	Nov. 2, 1847	July 4, 1844	1,216	19 times for disorderly conduct - - -		-	The convictions against these two are of date previous to the time when intimation of their being pardoned convicts or licence-holders required to be made.
18	42	J. Mc A.	Mar. 13, 1851	„	7	Mar. 13, 1856	Feb. 27, 1856	744	Feb. 27, 1856	Disorderly - - -	7 days.	
									July 29, 1856	Assault - - -	20 days.	
									Aug, 18, 1856	Theft - - -	60 days.	
19	8	W. M.	May 8, 1858	„	4	May 8, 1862	Apr. 1, 1862	37	Committed charged with theft, but was not convicted.			Were not reported; were not known to be licence-holders till their sentences of penal servitude were fully expired.
20	9	M. B.	Mar. 2, 1857	Robbery	5	Mar. 2, 1861	Nov. 26, 1861	96	Nov. 26, 1861	Theft - - -	60 days.	
21	34	A. M'C.	Nov. 8, 1858	Theft -	4	Nov. 8, 1862	Sept. 8, 1862	61	Sept. 8, 1862	Disorderly - - -	15 days.	
22	36	E. H.	June 14, 1858	„	4	June 14, 1862	Oct. 1, 1861	256	Oct. 1, 1861	Assault - - -	30 days.	
23	15	M. H.	Mar. 23, 1858	„	4	Mar. 23, 1862	Oct. 23, 1861	146	Oct. 28, 1861	Disorderly - - -	15 days.	
									Dec. 3, 1861	„	5s. or 8 days.	
									Dec. 9, 1861	„	10 days.	
									Jan. 13, 1862	„	4 days.	
									Jan. 27, 1862	„	8 days.	
									Feb. 24, 1262	„	60 days.	

APPENDIX No. 14.

PAPER delivered in by Mr. JOHN WEATHERHEAD, 20th March 1863.

A.

CITY PRISON, HOLLOWAY.—DIETARY for PRISONERS, approved by the SECRETARY OF STATE, 24th April 1850.

CLASS I.—Convicted Prisoners confined for any Term not exceeding Seven Days:

Males.—Breakfast, oatmeal gruel 1 pint. Dinner, bread 1 lb. Supper, oatmeal gruel 1 pint.
Females.—Breakfast, oatmeal gruel 1 pint. Dinner, bread 1 lb. Supper, oatmeal gruel 1 pint.

CLASS II.—Convicted Prisoners for any Term exceeding Seven Days, and not exceeding Twenty-one Days:

Males.—Breakfast, oatmeal gruel 1 pint, bread 6 oz. Dinner, bread 12 oz. Supper, oatmeal gruel 1 pint, bread 6 oz.
Females.—Breakfast, oatmeal gruel 1 pint, bread 6 oz. Dinner, bread 6 oz. Supper, oatmeal gruel 1 pint, bread 6 oz.
Prisoners of this class employed at hard labour, to have in addition, 1 pint of soup per week.

CLASS III.—Convicted Prisoners employed at hard labour, for Terms exceeding Twenty-one Days, but not more than Six Weeks; and, Convicted Prisoners not employed at Hard Labour, for Terms exceeding Twenty-one Days, but not more than Four Months:

Males.—Breakfast, oatmeal gruel 1 pint, bread 6 oz. Wednesday and Friday: Dinner, soup 1 pint, bread 8 oz. Tuesday and Sunday: Dinner, cooked meat without bone 3 oz., bread 8 oz., potatoes ½ lb. Monday, Thursday, and Saturday: dinner, bread 8 oz., potatoes 1 lb., or 1 pint of gruel when potatoes cannot be obtained. Supper, same as breakfast.
Females.—Breakfast, oatmeal gruel 1 pint, bread 6 oz. Wednesday and Friday: Dinner, soup 1 pint, bread 6 oz. Tuesday and Sunday: Dinner, cooked meat without bone 3 oz., bread 6 oz., potatoes ½ lb. Monday, Thursday, and Saturday: Dinner, bread 6 oz., potatoes 1 lb., or 1 pint of gruel when potatoes cannot be obtained. Supper, same as breakfast.

CLASS IV.—Convicted Prisoners employed at Hard Labour for Terms exceeding Six Weeks, but not more than Four Months; and Convicted Prisoners not employed at Hard Labour, for Terms exceeding Four Months

Males.—Breakfast, oatmeal gruel 1 pint, bread 8 oz. Sunday, Tuesday, Thursday and Saturday: Dinner, cooked meat without bone 3 oz., potatoes ½ lb., bread 8 oz. Monday, Wednesday, and Friday: Dinner, soup 1 pint, bread 8 oz. Supper, same as breakfast.
Females.—Breakfast, oatmeal gruel 1 pint, bread 6 oz. Sunday, Tuesday, Thursday, and Saturday: Dinner, cooked meat without bone 3 oz., potatoes ½ lb., bread 6 oz. Monday, Wednesday, and Friday: Dinner, soup 1 pint, bread 6 oz. Supper, same as breakfast.

CLASS V.—Convicted Prisoners employed at Hard Labour for Terms exceeding Four Months:

Males.—Sunday, Tuesday, Thursday, and Saturday: Breakfast, oatmeal gruel 1 pint, bread 6 oz. Dinner, cooked meat without bone 4 oz., potatoes 1 lb., bread 6 oz. Monday, Wednesday, and Friday: Breakfast, cocoa 1 pint.

made of ¾ oz. of flaked cocoa, or cocoa nibs, sweetened with ¾ oz. of molasses or sugar, bread, 6 oz. Dinner, soup 1 pint, potatoes 1 lb., bread 6 oz. Supper, oatmeal gruel 1 pint, bread 6 oz.

Females.—Sunday, Tuesday, Thursday, and Saturday: Breakfast, oatmeal gruel 1 pint, bread 6 oz. Dinner, cooked meat without bone 3 oz., potatoes ½ lb., bread 6 oz. Monday, Wednesday, and Friday: Breakfast, cocoa 1 pint, made of ¾ oz. of flaked cocoa, or cocoa nibs, sweetened with ¾ oz. of molasses or sugar, bread 6 oz. Dinner, soup 1 pint, potatoes ½ lb., bread 6 oz. Supper, oatmeal gruel 1 pint, bread 6 oz.

CLASS VI.—Prisoners sentenced by Court to Solitary Confinement:

Males.—The ordinary diet of their respective classes.
Females.—The ordinary diet of their respective classes.

CLASS VII.—Prisoners for Examination before Trial, and Misdemeanants of the First Division who do not maintain themselves:

Males.—The same as Class IV.
Females.—The same as Class IV.

CLASS VIII.—Destitute Debtors.

Males.—The same as Class IV.
Females.—The same as Class IV.

CLASS IX.—Prisoners under Punishment for Prison Offences, for Terms not exceeding Three Days:

1 lb. of bread per diem.

Prisoners in Close Confinement for Prison Offences, under the Provisions of the 42nd Section of the Gaol Act:

Males.—Breakfast, gruel 1 pint, bread 8 oz. Dinner, bread 8 oz. Supper, gruel 1 pint, bread 8 oz.

Females.—Breakfast, gruel 1 pint, bread 6 oz. Dinner, bread 6 oz. Supper, gruel 1 pint, bread 6 oz.

Note.—The soup to contain, per pint 3 oz. of cooked meat without bone, 3 oz. of potatoes, 1 oz. of barley, rice, or oatmeal, and 1 oz. of onions or leeks, with pepper and salt.

The gruel to contain 1½ oz. of oatmeal per pint, when made in quantities exceeding 50 pints, and 2 oz. of oatmeal per pint when made in less quantities.

The gruel on alternate days to be sweetened with ¾ oz. of molasses or sugar, or seasoned with salt.

Boys under 14 years of age to be placed on the same diet as females.

B.

Scale of One Week's Provisions in Government Prison, and in City Prison, Holloway.

—	Government Prison, Chatham.																City Prison, Holloway.														
	Breakfast.			Dinner.										Supper.			Breakfast.			Dinner.									Supper.		
	Bread.	Cocoa.	Gruel.	Roast Beef.	Boiled Beef.	Roast Mutton.	Pudding.	Soup.	Bread.	Potatoes.	Beer.	Cheese.	Bread.	Tea.	Gruel.		Bread.	Cocoa.	Gruel.	Roast Beef	Boiled Beef.	Roast Mutton.	Pudding.	Soup.	Bread.	Potatoes.	Beer.	Cheese.	Bread.	Tea.	Gruel.
	lb. oz.	pt.	pt.	oz.	lb. oz.	oz.	lb.	pt.	lb. oz.	lb.	pt.	oz.	lb. oz.	pt.	pt.		lb. oz.	pt.	pt.	oz.	lb. oz.	oz.	oz.	pt.	lb. oz.	lb.	pt.	oz.	lb. oz.	pt.	pt.
Sunday	0 12	1	—	6	—	—	—	1	0 9	1	½	4	0 9	1	—		0 8	—	1	—	0 4	—	—	—	0 8	1	—	—	0 8	—	1
Monday	0 12	1	—	—	0 6	—	—	1	0 6	1	—	—	0 9	1	—		0 8	1	—	—	0 3	—	—	1	0 8	1	—	—	0 8	—	1
Tuesday	0 12	1	—	—	—	6	—	1	0 6	1	—	—	0 9	1	—		0 8	—	1	—	0 4	—	—	—	0 8	1	—	—	0 8	—	1
Wednesday	0 12	1	—	—	0 6	—	—	1	0 6	1	—	—	0 9	1	—		0 8	1	—	—	0 3	—	—	1	0 8	1	—	—	0 8	—	1
Thursday	0 12	1	—	—	—	6	½	1	0 6	1	—	—	0 9	1	—		0 8	—	1	—	0 4	—	—	—	0 8	1	—	—	0 8	—	1
Friday	0 12	1	—	—	0 6	—	—	1	0 6	1	—	—	0 9	1	—		0 8	1	—	—	0 3	—	—	1	0 8	1	—	—	0 8	—	1
Saturday	0 12	1	—	6	—	—	—	1	0 6	1	—	—	0 9	1	—		0 8	—	1	—	0 4	—	—	—	0 8	1	—	—	0 8	—	1
	5 4	7	—	12	1 2	12	½	7	2 13	7	½	4	3 15	7	—		3 8	3	4	—	1 9	—	—	3	3 8	7	—	—	3 8	—	7

Week's Provisions.

	Bread.	Pudding.	Potatoes.	Meat.	Soup.	Gruel.	Cocoa.	Tea.	Cheese.	Beer.	Milk.
	lbs. oz.	oz.	lbs.	lbs. oz.	pts.	pts.	pts.	pts.	oz.	pts.	
Government Prison	12 0	8	7	2 10	7	0	7	7	4	½	* Cocoa.
Holloway Prison	10 8	0	7	1 9	3	11	3	0	0	9	† Soup.
Excess, Government	1 8	8	0	1 1	4	0	4	7	4	½	
Excess, Holloway	0 0	0	0	0 0	0	11	0	0	0	0	
Pentonville	8 12	0	7	1 12	3⅓†	7‡	5¼*	0	0	0	14 oz.
Millbank	9 10	0	7	2 3	1¾†	7§	5¼	0	0	3	14 oz.

* ¾ oz. and 6 drams of molasses. † Made of liquor of same day, strengthened with 28 lbs. of meat to 100 pints.
† Soup thickened with spare bread and ¼ oz. onions.
‡ 1½ oz. oatmeal. § 2 oz. oatmeal.

APPENDIX No. 15.

PAPER delivered in by G. W. B. RANKEN, Esq., 20th November 1863.

PRISONER recommended by the GOVERNOR of Prison to Discharged Prisoners' Aid Society, Office 118, Pall Mall, London, S.W.

Registered Number.	Name and Sentence.	Age on Conviction.	Religion and Education.	Date and place of Conviction. Nature of Crime.	Previous Convictions and Nature of Crimes.	Character in Separate Confinement.	Character on Public Works.	Trade and degree of Proficiency, and whether capable of hard Labour.	Former Employer. Place of Abode and Family.	What Employment desired, and if willing to emigrate.	Probable amount of Gratuity due on Discharge.	When likely to be discharged.	REMARKS.

PALL MALL CLUB

APPENDIX No. 16.

LETTERS from the GOVERNOR of GLOUCESTER PRISON, with STATEMENTS of PRISONERS.

County Prison, Gloucester,
February 20, 1863.

SIR,

In reply to your letter of the 18th inst., I have the honour to state that four prisoners convicted at the late assizes of arson, two for arson near Northleach, and two on another occasion near Cheltenham, distinctly informed me, that their object in burning the ricks was to get into a Government prison for some years, having been informed by their companions who had been convicts that by such a crime they would obtain a term of detention long enough to give them a trade and money on discharge.

W, M., who was convicted with T. S., states that some discharged convicts in the Union workhouse, where they slept the night before committing their present offence, openly spoke of the advantages of penal servitude on account of the receipt of money on discharge.

W. J., who had been an Irish convict for three years, as I ascertained from the Directors of Convicts at Dublin Castle, states that he was induced for the same reasons to commit the offence, by J. H. (convicted as T. H.), whom he believed to be a discharged English convict, but whose antecedents I have not been able to trace; and J. C. M. makes a similar statement in reference to the man with whom he was convicted.

I beg to annex copies of these statements—they were made evidently under great fear of risking by their admission the loss of the advantage sought for by their crime; but the men have given me to understand, without doubt, that they committed the offence of arson to secure a long sentence of imprisonment,

during which they believed they would be well cared for, and allowed to acquire a "sum of money" to be discharged with.

I shall be happy to afford any further information I can, and remain, &c.,

H. CARTWRIGHT, late Captain,
Governor.

T. F. Kent, Esq.,
Secretary, Penal Servitude Acts Commission.

T. S., 17, states,—

I lived at Wolverhampton. I am an engine-fitter, met M. at Cheltenham, who said he had been in prison in Ireland, and kept saying that he would not steal bread or do any small crime, because it would not get him in jail long enough; that if they went for burning a rick, he would be right when he came out; he said he should be all right for money if he went in for three or four years. I was only with M. one night; he said he had been in a prison in Ireland.

Stated before me,
H. CARTWRIGHT, Gov.

W. M., 16,—

I am an American (New York); fell in with T. S. in Cheltenham; I spoke to him, and told him that it would be better for us to do something wrong—that is, to burn a rick and get into prison—so as to learn a trade and be put right. There were old convicts in the tramp-ward talking of it, and they said it was very good in prison at Millbank and Bermuda, as you got a trade, and money when you came out. The men had a ticket of leave, and going to London, they said, for burning a house or rick. We had a chance of getting to Bermuda. They proposed to fire the tramp-ward. We gave ourselves up at the Cheltenham station. We did not mean to burn the rick, and the people could have saved it if they liked.

Stated before me,
H. CARTWRIGHT, Gov.

W. J., 18, states,—

I was in prison in Ireland, and served out my time. The authorities paid my passage to England, to get rid of me, as they always do that with the convicts, so that they may get them away. They offered me to go to America. I then came to Bristol, then to Cardiff, and got eight months' for stealing money from a man; I then came out of Cardiff with a man named "J. H." (now called T. J.), and was going to London. After we got nine miles from Newport, he began telling me, if he could not get employment he would get into prison, and that he could benefit himself. He said he had been in prison in England before. Then he asked me to rob the house of a gentleman. I refused. Then he asked me to take my matches and burn the two wheat stacks. I offered him five shillings I had to go away from me, but he said it was better to burn the rick, as he would get the same sentence as me, and that during the last time he was in prison he had got plenty of money while he was there, and came out with it; and he persuaded me to burn the rick, so as to go to prison and get plenty of money.

Stated before me,
H. CARTWRIGHT, Gov.

J. J., 18, states,—

I met with M. at Oxford; he was on the road looking for work. I am a wire-work maker. It came into our minds to burn the ricks. M. told me he had been in prison twice for stealing. I expected about a couple of years for a wheat rick, but thought it was a straw rick. We meant to give ourselves up at Cheltenham.

Stated before me,
H. CARTWRIGHT, Gov.

C. J. M., 18, states,—

I was an apprentice to Mr. G. L——'s, at Portsmouth, as millwright and engineer. I was sent to prison at Portsmouth for taking four sovereigns from my stepmother. I left Portsmouth and went to London, and walked about, and to the saw-mills in the Old Kent Road, to see if I could get work, but could not. My uncle was working there. Then from London I came down to Oxford, where I met J. J. He called himself a wire-work maker. I walked from Oxford to Witney, then to Northleach, where we were without shoes or clothes hardly. Then J. proposed to burn the ricks. He was talking at Northleach Union of doing something to break the law, to get a convict, so as to get money and clothes. I thought he had been in prison before, as a police inspector at Northleach said he had been in prison before. He said that in prison we should work and get paid so much a day, and have clothes besides. He said we should get ten or fourteen years for burning a rick, and he therefore urged me to join him in it.

Taken before me,

H. CARTWRIGHT, Gov.

SIR, County Prison, Gloucester, March 2, 1863.

IN reply to your letter of the 28th February, I beg leave to state that in my previous letter I forwarded to you the statements only of those prisoners who had volunteered evidence as to their object and inducement to commit the serious offence of arson.

There are 10 prisoners who were convicted at the last assizes of that offence, and sentenced to six years penal servitude, the names of whom I now annex.

The first five on the list made statements, which were sent to you; the others are not willing to make any statement, but admit that their object was to get into penal servitude, with the exception of T. J., who is alluded to in the evidence of W. J. as J. H., and who refuses to say anything at all.

I strongly suspect this man to have previously been in penal servitude, either in Ireland or in this country.

J. D. and T. B., who were convicted for arson in company of each other, now say they thought it better than to get six months for a small offence.

W. J. committed the offence by himself, and merely says he could not get work.

The whole of them, except W. J., are young, active men, who, if properly disposed, could have obtained an honest living.

The whole of these men gave themselves up to the police after committing the offence, and I entertain no doubt whatever that their sole object was to get a long confinement in the Government prisons. When I spoke to them on admission of the heinousness of their crime, they assured me they had no malice against the unfortunate owners of the property they respectively destroyed. I have the honour to remain, &c.

H. CARTWRIGHT, Governor.

T. F. Kent, Esq.,
Secretary, Penal Servitude Acts Commission,
&c. &c. &c.

RETURN of PRISONERS convicted of ARSON at Gloucester Winter Assizes, 1862.

Name.	Age.	Name.	Age.
1. P. C. M.	18	6. T. J.	22
2. W. M.	16	7. T. S.	18
3. J. J.	18	8. W. J.	25
4. T. S.	17	9. J. D.	20
5. W. J.	23	10. T. B.	25

APPENDIX No. 17.

TABLE showing the NUMBER of DISCHARGED CONVICTS (whether released on Licence or on the Expiration of their Sentences) known to the Police to have been residing in the several Counties and Boroughs of England and Wales in February 1863; how many of them were of good Character, and how many were known to have been convicted of or charged with any Offence since their Release.

Abstracted from Returns made to the Home Office by the Chief Constables of Counties and Mayors of Boroughs.

Counties and Boroughs.	Total Number of discharged Convicts.	Characters.		Known to have been convicted or charged since Release.
		Good.	Doubtful or bad.	
ENGLAND.				
Bedfordshire	38	24	14	9
Bedford	2	2	—	—
Total	40	26	14	9
Berkshire	35	23	12	9
Abingdon	3	3	—	—
Maidenhead	None.	—	—	—
Newbury	None.	—	—	—
Reading	17	6	11	6
Wallingford	1	—	1	1
Windsor	4	2	2	2
Total	60	34	26	18
Buckinghamshire	59	34	25	14
Buckingham	None.	—	—	—
Chipping Wycombe	2	2	—	—
Total	61	36	25	14
Cambridgeshire, with Isle of Ely	70	42	28	15
Cambridge	22	10	12	12
Wisbech	7	6	1	—
Total	99	58	41	27
Cheshire	46	16	30	16
Chester	3	2	1	1
Congleton	3	2	1	1
Macclesfield	13	7	6	6
Stockport	15	6	9	7
Total	80	33	47	31
Cornwall	31	20	11	11
Bodmin	1	1	—	—
Falmouth	None.	—	—	—
Helston	No Return.	—	—	—
Launceston	2	2	—	—
Liskeard	None.	—	—	—
Penryn	None.	—	—	—
Penzance	6	5	1	—
St. Ives	No Return.	—	—	—
Truro	4	2	2	1
Total	44	30	14	12

Counties and Boroughs.	Total Number of discharged Convicts.	Characters.		Known to have been convicted or charged since Release.
		Good.	Doubtful or bad.	
England—*cont.*				
Cumberland	25	17	8	6
Carlisle	7	4	3	2
Total	32	21	11	8
Derbyshire	68	23	45	21
Chesterfield	3	—	3	1
Derby	7	5	2	1
Total	78	28	50	23
Devonshire	81	49	32	12
Barnstaple	2	2	—	—
Bideford	None.	—	—	—
Dartmouth	2	1	1	1
Devonport	6	—	6	5
Exeter	12	9	3	3
Honiton	1	—	1	1
Plymouth	22	11	11	3
South Molton	3	3	—	—
Tiverton	4	3	1	1
Torrington, Great	None.	—	—	—
Totnes	None.	—	—	—
Total	133	78	55	26
Dorsetshire	58	36	22	17
Blandford	2	1	1	1
Bridport	3	3	—	—
Dorchester	4	2	2	1
Lyme Regis	None.	—	—	—
Poole	No Return.	—	—	—
Shaftesbury	None.	—	—	—
Weymouth	6	4	2	1
Total	73	46	27	20
Durham	38	22	16	11
Durham	7	3	4	2
Gateshead	4	2	2	2
Hartlepool	2	2	—	—
South Shields	5	2	3	2
Stockton-on-Tees	4	1	3	—
Sunderland	10	2	8	6
Total	70	34	36	23
Essex	73	36	37	26
Colchester	6	1	5	4
Harwich	None.	—	—	—
Maldon	3	3	—	—
Saffron Walden	2	—	2	2
Total	84	40	44	32
Gloucestershire	81	51	30	16
Bristol	60	28	32	13
Gloucester	Included in County Return.			
Tewkesbury	5	1	4	2
Total	146	80	66	31

Counties and Boroughs.	Total Number of discharged Convicts.	Characters.		Known to have been convicted or charged since Release.
		Good.	Doubtful or bad.	
England—*cont.*				
Hampshire	69	38	31	15
Andover	No Return.	—	—	—
Basingstoke	2	2	—	—
Lymington	2	2	—	—
Newport (Isle of Wight)	1	1	—	—
Portsmouth	27	13	14	10
Romsey	1	—	1	—
Southampton	10	5	5	1
Winchester	2	—	2	1
Total	114	61	53	27
Herefordshire	33	17	16	8
Hereford	6	1	5	3
Leominster	1	1	—	—
Total	40	19	21	11
Hertfordshire	67	28	39	19
Hertford	3	1	2	2
St. Albans	1	1	—	—
Total	71	30	41	21
Huntingdonshire	22	14	8	5
Godmanchester	2	2	—	—
Huntingdon	1	1	—	—
Total	25	17	8	5
Kent	76	57	19	9
Canterbury	5	1	4	2
Deal	5	4	1	—
Dover	None.	—	—	—
Faversham	1	1	—	—
Folkestone	3	1	2	1
Gravesend	1	1	—	—
Hythe	None.	—	—	—
Maidstone	4	1	3	—
Margate	No Return.	—	—	—
Rochester	2	2	—	—
Sandwich	1	—	1	1
Tenterden	None.	—	—	—
Total	98	68	30	13
Lancashire	112	62	50	24
Ashton-under-Lyne	5	2	3	3
Blackburn	26	4	22	3
Bolton	34	7	27	17
Burnley	6	3	3	2
Clitheroe	Included in County Return.			
Lancaster	3	—	3	1
Liverpool	279	15	264	186
Manchester	130	23	107	52
Oldham	8	4	4	2
Preston	19	11	8	3
Rochdale	9	4	5	1
Salford	16	10	6	5
Staleybridge	1	—	1	1
Warrington	8	3	5	1
Wigan	23	8	15	11
Total	679	156	523	312

Counties and Boroughs.	Total Number of discharged Convicts.	Characters.		Known to have been convicted or charged since Release.
		Good.	Doubtful or bad.	
England—*cont.*				
Leicestershire	75	38	37	17
Leicester	51	30	21	13
Total	126	68	58	30
Lincolnshire	72	40	32	16
Boston	2	—	2	2
Grantham	1	—	1	1
Grimsby	None.	—	—	—
Lincoln	2	—	2	1
Louth	9	3	6	4
Stamford	4	2	2	2
Total	90	45	45	26
London, City of	4	3	1	—
Metropolitan Police District	187	75	112	71
Monmouthshire	3		3	—
Monmouth	None.	—	—	—
Newport	14	7	7	5
Total	17	7	10	5
Norfolk	103	54	49	22
King's Lynn	6	5	1	1
Norwich	29	17	12	8
Thetford	No Return.	—	—	—
Yarmouth (Great)	8	4	4	2
Total	146	80	66	33
Northamptonshire	49	36	13	4
Daventry	4	2	2	2
Northampton	5	3	2	1
Peterborough	4	3	1	1
Total	62	44	18	8
Northumberland	11	4	7	4
Berwick-on-Tweed	None.	—	—	—
Morpeth	Included in County Return.			
Newcastle-on-Tyne	51	23	28	17
Tynemouth	1	1		
Total	63	28	35	21
Nottinghamshire	45	19	26	14
Newark	1		1	
Nottingham	53	18	35	16
Retford	Included in County Return.			
Total	99	37	62	30
Oxfordshire	54	44	10	7
Banbury	None.	—	—	—
Chipping Norton	None.	—	—	—
Oxford	14	6	8	6
Total	68	50	18	13

Counties and Boroughs.	Total Number of discharged Convicts.	Characters.		Known to have been convicted or charged since Release.
		Good.	Doubtful or bad.	
England—*cont.*				
Rutlandshire	5	2	3	2
Shropshire	36	20	16	8
Bridgenorth	3	2	1	1
Ludlow	1	1	—	—
Oswestry	1	1	—	—
Shrewsbury	None.	—	—	—
Wenlock	1	—	1	1
Total	42	24	18	10
Somersetshire	152	81	71	34
Bath	5	2	3	—
Bridgewater	6	4	2	2
Chard	1	—	1	1
Glastonbury	4	2	2	2
Wells	3	2	1	1
Yeovil	Included in County Return.			
Total	171	91	80	40
Staffordshire	170	71	99	49
Hanley and Shelton	12	4	8	5
Lichfield	None.	—	—	—
Newcastle-under-Lyne	4	—	4	4
Stafford	Included in County Return.			
Tamworth	None.	—	—	—
Walsall	4	1	3	—
Wolverhampton	47	9	38	14
Total	237	85	152	72
Suffolk	75	45	30	22
Beccles	Included in County Return.			
Bury St. Edmunds	Included in County Return.			
Eye	None.	—	—	—
Ipswich	16	8	8	5
Southwold	No Return.	—	—	—
Sudbury	6	4	2	2
Total	97	57	40	29
Surrey	14	8	6	3
Godalming	None.	—	—	—
Guildford	5	3	2	—
Kingston-on-Thames	None.	—	—	—
Total	19	11	8	3
Sussex	48	28	20	16
Arundel	None.	—	—	—
Brighton	9	5	4	
Chichester	3	2	1	—
Hastings	1	1	—	—
Lewes	No Return.	—	—	—
Rye	None.	—	—	—
Total	61	36	25	17

Counties and Boroughs.	Total Number of discharged Convicts.	Characters.		Known to have been convicted or charged since Release.
		Good.	Doubtful or bad.	
England—*cont.*				
Warwickshire	23	16	7	6
Birmingham	111	23	88	55
Coventry	15	10	5	4
Stratford-on-Avon	1	1	—	—
Warwick	9	3	6	5
Total	159	53	106	70
Westmoreland	7	6	1	—
Kendal	7	2	5	4
Total	14	8	6	4
Wiltshire	67	43	24	16
Calne	None.	—	—	—
Chippenham	None.	—	—	—
Devizes	2	1	1	1
Marlborough	1	1	—	—
Sarum (New)	2	—	2	2
Total	72	45	27	19
Worcestershire	54	22	32	15
Bewdley	6	3	3	2
Droitwich	None.	—	—	—
Evesham	1	1	—	—
Kidderminster	1	—	1	1
Worcester	14	6	8	6
Total	76	32	44	24
Yorkshire:				
North Riding	11	7	4	2
East Riding	10	6	4	2
West Riding	144	89	55	23
Beverley	1	—	1	1
Bradford	20	8	12	6
Dewsbury	5	2	3	1
Doncaster	2	2	—	—
Halifax	11	6	5	3
Kingston-upon-Hull	26	8	18	15
Leeds	47	10	37	27
Middlesborough	4	2	2	2
Pontefract	None.	—	—	—
Richmond	None.	—	—	—
Ripon	None.	—	—	—
Scarborough	5	—	5	2
Sheffield	58	16	42	18
Wakefield	5	5	—	—
York	11	7	4	3
Total	360	168	192	105
Total, England	4,202	1,944	2,258	1,294
Wales.				
Anglesea	2	2	—	—
Beaumaris	None.	—	—	—
Brecknockshire	3	—	3	3
Brecon	No Return.	—	—	—

Counties and Boroughs.	Total Number of discharged Convicts.	Characters.		Known to hav been convicted or charged since Release
		Good.	Doubtful or bad.	
Wales—*cont.*				
Cardiganshire	1	1	—	—
Aberystwith	None.	—	—	—
Cardigan	None.	—	—	—
Carmarthenshire	7	4	3	2
Carmarthen	None.	—	—	—
Llandovery	None.	—	—	—
Carnarvonshire	14	8	6	—
Carnarvon	Included in County Return.			
Pwllheli	None.	—	—	—
Denbighshire	18	13	5	5
Denbigh	None.	—	—	—
Ruthin	6	5	1	1
Wrexham	Included in County Return.			
Total	24	18	6	6
Flintshire	6	3	3	2
Flint	None.	—	—	—
Glamorganshire	33	11	22	9
Aberavon	None.	—	—	—
Cardiff	31	9	22	18
Neath	None.	—	—	—
Swansea	22	9	13	1
Total	86	29	57	28
Merionethshire	6	6	—	—
Montgomeryshire	13	6	7	3
Llanidloes	No Return.	—	—	—
Welchpool	None.	—	—	—
Pembrokeshire	6	—	6	1
Haverfordwest	7	4	3	—
Pembroke	Included in County Return.			
Tenby	1	—	1	1
Total	14	4	10	2
Radnorshire	1	—	1	—
Total, Wales	177	81	96	46
Total, Counties	2,420	1,342	1,078	571
Total, Boroughs	1,959	683	1,276	769
Grand Total	4,379	2,025	2,354	1,340
Per-centage:				
Counties	—	55·45	44·54	23·59
Boroughs	—	34·86	65·13	39·25

APPENDIX No. 18.

Correspondence as to Tickets of Leave and Conditional Pardons in Western Australia.

Sir, Whitehall, February 16, 1863.

I have laid before Secretary Sir George Grey your letter of the 2nd inst., transmitting for his consideration the copy of a dispatch from the Governor of Western Australia, enclosing a list of 29 convicts whom he recommends for conditional pardons. On examining this list Sir George Grey finds that it comprises seven convicts under sentence of transportation for life, and nine others under sentence of transportation for 20 years and upwards. Of the former it appears that two only have completed nearly 14 years of their sentences, two have completed nearly eight, and one only completed six years in June last. Of the nine under sentence of 20 years and upwards, one only, who is under a sentence of 25 years, has completed about nine years of his sentence, two have completed about eight, three about seven, and the remaining three less than six and a half years of their respective sentences.

Sir George Grey wishes to submit for the consideration of the Duke of Newcastle the serious consequences which he apprehends may follow from the grant of conditional pardons to convicts under sentences for life, or for a long term of years, at so early a period as is recommended in these cases.

Bearing in mind that the grant of a conditional pardon amounts to a full remission of the sentence, subject to the simple condition that the convict shall not return to this country, it appears to Sir George Grey that the liberation of convicts of this class after so comparatively short a term of punishment will, if generally known in this country, tend to divest the removal of convicts to Western Australia, in execution of their sentences, of much of its terror, while it may not improbably cause dissatisfaction in the other Australian colonies to which these convicts, on their liberation, may resort. If, however, this practice should be continued, and conditional pardons should be granted at an equally early period to certain convicts now in Western Australia under life sentences, or who may be hereafter sent there, whose previous circumstances and connexions may enable them, on obtaining a conditional pardon, to return to Europe, though not to England, the result might be that they might within a comparatively short time of their conviction and sentence for flagrant crimes be living in comfort and freedom in some continental city, and the administration of justice be thus exposed to reproach and contempt.

It does not appear, as observed in my letter of the 1st January last, that the regulations established in the colony for the grants of tickets of leave and conditional pardons were communicated to this department before they took effect, and Sir George Grey would suggest for the consideration of the Duke of Newcastle whether they ought not to be at once revised and modified. Under these circumstances Sir George Grey proposes, unless the Duke of Newcastle should see any valid objection to this course, to withhold the grant of a conditional pardon from the convicts in this list under life sentences, with the exception of the two who have undergone 14 years of their respective sentences, and from all those under sentence of 20 years and upwards, until the governor of the colony hall have been called upon to explain the circumstances under which they have been recommended at so early a period for the grant of conditional pardons.

In the other cases the recommendation will be complied with.

I am, &c.,

T. F. Elliot, Esq., &c. &c. &c. (Signed) H. Waddington.

Sir, Downing Street, March 2, 1863.

With reference to your letter of the 1st January, I am directed by the Duke of Newcastle to transmit to you, for the information of Secretary Sir George Grey, the enclosed memorandum on the rules in Western Australia relative to the time of granting tickets of leave and conditional pardons.

I am, &c.,

H. Waddington, Esq., &c. &c. &c. (Signed) T. Fredk. Elliot.

RULES in WESTERN AUSTRALIA for TICKETS OF LEAVE and CONDITIONAL PARDONS.

No conditional pardon can be granted to a convict in the colony except after a reference to this country, and with the sanction of the Secretary of State. The governor sends his recommendations to the colonial minister, who, in the case of all convicts sentenced in the United Kingdom, refers to the Secretary of State for the home department, and then forwards the decision to the governor of the colony.

With respect to the previous stages of punishment in the colony, whether in prison, on public works, or with tickets of leave, the custom has been very much to rely on the colonial authorities for the practice to be followed.

The convicts in the colony may be divided into those who have been sent out under the former sentence of transportation, and those who since the passing of the Act of July 1857 have been sent out under the new sentence of penal servitude.

On the 12th of June 1858, Governor Kennedy suggested a scale for the different stages of punishment of convicts under sentence of transportation. It is appended to this paper, marked No. 1.

On the 15th of September 1859, Governor Kennedy sent home a scale for convicts under sentence of penal servitude. It is appended, marked No. 2.

Both these scales were assented to by the Secretary of State so far as regarded the time at which men might become eligible for conditional pardons, with a remark that the numerous contingencies of the case would probably render it impossible to enforce for every convict one unvarying proportion of his sentence in each of the preliminary stages, but that there would be no objection to the governor's following out his plan so far as circumstances would permit. The following table exhibits in a condensed form the leading points of the two foregoing scales:—

Parliamentary Paper of 1859, page 121. Under Sentence of Transportation.			Governor Kennedy, 15th Sept. 1859. Under Sentence of Penal Servitude.		
Length of Sentence.	How long after original Sentence eligible for Ticket of Leave.	How long after original Sentence eligible for Conditional Pardon.	Length of Sentence.	How long after original Sentence eligible for Ticket of Leave.	How long after original Sentence eligible for Conditional Pardon.
Years.	Years.	Years.	Years.	Years.	Years.
—	—	—	6	3	4½
7	2	3	7	3¼	5¼
10	2¾	4	10	4¼	7½
15	4	6½	15	5¾	10
20	5	8	—	—	—
Life.	6	10	Life.	To be separately reported on.	

But it remains to be seen how far these scales may have been modified, though unintentionally, by agreeing to the trial in Western Australia of what is called the "mark system."*

Governor Kennedy supported a proposal for introducing that system in two despatches dated the 13th of September 1858, and Sir Edward Lytton assented with some cautionary remarks in a despatch dated the 2nd of December 1858.† Governor Kennedy replied in a despatch of the 15th of October 1859, transmitting a report of Major Henderson's fully explaining the plan and the details of the system which had been adopted. An endeavour will be made here to state its leading provisions.

The first point of all is that the mark system did not profess to aim at introducing any material change in the time at which the convict would become eligible for indulgence—it only proposed to supply a new means of measuring their eligibility at that time. The convicts were already in practice noted in the books by four different signs of their conduct: these signs were to be superseded by numerical marks as follows:—

* Parl. Paper, 1859, pages 123, 136, 174.
† Parl. Paper, 1860, page 54.

Present scale.	To be represented by
I (Indifferent)	1 mark
G (Good)	2 „
V G (Very good)	3 „
Ex (Exemplary)	4 „

Constables were to be allowed the following marks :—

3rd class 4
2nd „ 5
1st „ 6
} Marks per diem.

Each man is debited with such a total number against him that it is only by gaining three marks a day, in other words, by conduct considered V G, that he can get out at the exact date specified in the scales of time already in force in the colony. It had some years before been agreed that by "exemplary" conduct a convict might earn a reduction of one-fourth of the ordinary period; giving him four instead of three marks a day produced the same result, and therefore made no change of substance in previous regulations.

Looking at them now, and after the fact, the foregoing rules will probably be judged too indulgent. Lenient as were the scales assented to, the convict's power of further abridging his time by one-fourth must have rendered them yet more favourable to him in practice. Again, the employment of convicts as constables, being in itself objectionable, is made far more so if it can so much accelerate the prisoner's release from his state of durance and real punishment.

Redpath's Case.

The following are the principal dates—

He was convicted and sentenced for life January 1857; despatched from England August 1858; arrived in the colony 23rd November 1858; discharged with ticket of leave 3rd June 1861.

By the ordinary operation of the rule for transported men, he would have been eligible for a ticket of leave in January 1863; if he had been "exemplary," or earned four marks a day during all his time in the colony, he would have become eligible about January 1862; but it is by means of the large number of marks allotted to constables that he must have acquired his discharge so early as June 1861.

The rules generally will doubtless undergo revision as soon as the commission now sitting has closed its inquiries.

Colonial Office, March 2, 1863.

No. 1.

MEMORANDUM of SCALE of the Minimum Periods to be passed under ordinary circumstances by Convicts under Sentence of Transportation previous to the issue of a Conditional Pardon.

Sentence.	Solitary Confinement.	Public Works.	Ticket of Leave.	Total.
	Months.	Yrs. Mos.	Yrs. Mos.	Yrs. Mos.
7 Years.	9	1 3	1 0	3 0
10 „	9	2 0	1 3	4 0
12 „	9	2 6	1 9	5 0
14 „	9	3 0	2 3	6 0
15 „	9	3 3	2 6	6 6
18 „	9	4 0	2 9	7 6
20 „	9	4 3	3 0	8 0
21 „	9	4 6	3 3	8 6
Life.	9	5 3	4 0	10 0

The actual period passed on the voyage to be counted as passed on the public works.

Cases of detention in prisons in England prior to transfer to a Government prison to be counted as may be directed in each case by the Secretary of State for the Home Department.

No 2.

Governor Kennedy, 84; 15th September, 1859.

Sentence.	Probation.		Ticket of Leave.	Date of Conditional Pardon.
	Solitary Confinement.	Public Works.		
	Mos.	Yrs. Mos.	Yrs. Mos.	Yrs. Mos.
3 Years.	9	1 0	0 9	2 6
4 „	9	1 6	1 0	3 3
5 „	9	2 0	1 3	4 0
6 „	9	2 3	1 6	4 6
7 „	9	2 6	2 0	5 3
8 „	9	2 9	2 6	6 0
10 „	9	3 6	3 3	7 6
12 „	9	4 6	3 9	9 0
15 „	9	5 0	4 3	10 0
Life.	To be separately reported on.			

(Signed) A. E. Kennedy.

Memorandum.

In his report for the half year ending the 31st of December 1853,* the Comptroller reported that the system of appointing constables from among the prisoners had then been for the first time introduced. It was done on account of the difficulty of getting suitable free men. Some constables were *prisoners* in the prisons, others *ticket-of-leave men* employed at the depôt up the country. The rules for the former say (article 5)† that in case of good conduct they will "receive double time off the regulated period of discipline." The rules‡ for the latter offer various advantages, but say nothing about an abridgment of time; for these, it must be remembered, are men who have their tickets already, and have no further remission to look to except their conditional pardons.

On the 26th of January 1855, Secretary Sir George Grey said, "The employment of convicts as constables is objectionable in principle, and must be "attended with danger of abuse, but as for the present the exigencies of the "service have left no alternative, I am glad that the measure is reported to have "hitherto worked with no bad result."

The earliest, though by no means the clearest, explanation of the mark system, was contained in a report from Mr. Dixon, superintendent of the prison, dated February 1858. The 34th paragraph of that report says that prisoners will, if appointed constables, gain by the proposed scale remissions "precisely in accordance with existing regulations in reference to remissions to "constables."

Thus it appears that on first employing prisoners as constables in 1853, they were allowed a special acceleration of the time at which they might get tickets of leave, and that this same acceleration was alluded to as an existing fact at the time when the mark system was introduced.

Colonial Office, 17th March 1863.

Whitehall, March 27, 1863.

I am directed by Secretary Sir George Grey to acknowledge the receipt of your letter of the 2d instant, and to acquaint you for the information of the Duke of Newcastle that he thinks it better to postpone the revision of the regulations of Western Australia with respect to the grant of tickets of leave and recommendations for conditional pardons until after the Commission on penal servitude shall have made its report. I am to add, with reference to my letter of the 16th ultimo, that as H. E., one of the convicts named in the list which accompanied your letter of 21st ult., will at the end of the present year

* Parl. Paper, Feb. 1855, page 61.
† Parl. Paper, page 178.
‡ Parl. Paper, page 195.

have undergone nearly 10 years of his sentence, Sir George Grey has no objection, if the Duke of Newcastle thinks it right, to act upon the recommendation of the governor for the grant of a conditional pardon; and that in the case of J. L. there may be no sufficient reason for withholding a conditional pardon when he has undergone nine years of his sentence.

After the Commission shall have made its report, Sir George Grey is of opinion that it will be indispensable to revise existing colonial regulations.

I am, &c.,

T. F. Elliot, Esq., &c. &c. &c. (Signed) H. A. Bruce.

APPENDIX No. 19.

Report as to Jarrah Wood from Western Australia.

Sir, Royal Engineer Office, Fremantle, December 20, 1861.

Referring to your letter of 2d August 1860 authorizing the transmission of pieces of timber of this colony for analysis, and of 19th March 1861, I have the honor to inform you that I have selected four pieces which will be forwarded by the ship Gloucester, addressed to the Chemist, War Department, Arsenal, Woolwich.

No. 1. Five ft. four in. long by two ft. in diameter, is tuart from the Southern district.

It is a hard, compact, and durable wood, and has been shipped to England in considerable quantities for the dockyards.

It grows upon light soil with limestone base. It is subject to the attack of white ant, and the teredo navalis.

No. 2. Three ft. long by 1 ft. 7 in. in diameter, is jarrah from the Southern district. This timber is very durable both in and out of water. It is impervious to the attack of white ant, and also of the teredo navalis.

Neither of these insects have ever been known to attack this timber when sound, but it is frequently defective of heart, and it then loses its quality of resisting these insects, so far as the defects extend.

In any order, therefore, for this timber it is very desirable to have it in flitches, so that the defective portion may be cut out in the colony, and the good only exported.

No. 3. Three ft. long by 1 ft. 6 in. in diameter, is a defective piece of jarrah, to show the difference, and in order that the cause of its losing its properties of resisting the white ant, &c., may, if possible, be ascertained by analysis.

These specimens grew upon the ironstone country, which is the best description of country to obtain it from.

It also grows in sandy swamps, but the timber is not so good and does not stand so well.

No. 4. Three ft. long by 1 ft. 4 in. in diameter, is gardan.

It grows upon sandy or clayey loam, and has invariably a clay substratum. It can be obtained in very long lengths, but is destroyed by the white ant and teredo navalis.

It is also very full of gum.

I shall be glad to receive the result of the analysis.

I have, &c.

E. M. Grain, Captain, R.E.

The Director of Works, &c.

Royal Arsenal, Woolwich, February 4, 1863.

Memorandum for the Director of Works, &c., with reference to Samples of Wood forwarded for Examination to the Chemist of the War Department by the C. R. Engineer in Western Australia.

A careful comparative examination has been instituted between the specimens of sound jarrah wood and of tuart and gardan woods for the purpose of ascertaining whether any cause of the immunity of the first-named wood from the attacks of insects could be traced by chemical means.

Undoubted evidence was obtained as the result of this investigation of the existence in the specimen of sound jarrah wood of a highly astringent organic principle, of the presence of which the other kinds of wood furnished no indications.

This principle appeared, as far as could be judged from its properties in the comparatively impure form in which only it could be obtained, to resemble greatly some other bitter organic principles obtained from vegetable sources, which are possessed of poisonous properties.

The effects of it were tried upon small animals (mice), and were undoubtedly of a powerfully poisonous character.

No positive deduction can of course be drawn from this circumstance regarding its possible effects upon insects, such as the white ant and teredo navalis.

The above result constitutes the only peculiarity, traceable by chemical means, which can be pointed out as having a possible connexion with the circumstance that the jarrah wood is found to be proof against the attacks of insects.

The specimen of jarrah wood defective or decayed at heart, which accompanied the other samples, did not furnish any satisfactory evidence of the existence in the defective parts of the bitter principle above referred to, as occurring in the sound wood.

This circumstance coupled with the statement made by the C. R. E., Western Australia, that the decayed or defective wood does not resist the attacks of insects, favours the supposition that the superiority of the jarrah wood in its sound state over other woods may be ascribable to the above cause, which the results of the chemical examination indicate.

(Signed) F. Abel.

APPENDIX No. 20.

Report of M. Treite, Counsel to Her Majesty's Embassy at Paris, on the Supervision of Discharged Convicts in France.

Sir, Foreign Office, 8 May, 1863.

With reference to your letter of the 11th of February last, I am directed by Earl Russell to transmit to you, to be laid before the Penal Servitude Commission, the accompanying Report drawn up by Mr. Treite, the legal adviser to Her Majesty's Embassy at Paris, upon the subject of the supervision exercised by the French police over discharged convicts.

I am, &c.,

T. F. Kent, Esq., 32, Abingdon Street. E. Hammond.

A Son Excellence Lord Cowley, Ambassadeur de Sa Majesté Britannique.

Milord,

Votre Excellence m'a demandé des renseignements authentiques 1° sur les lois actuelles et la pratique en France de la surveillance de la haute police vis-à-vis des convicts libérés; 2° sur les changements qui ont été introduits dans le système de cette surveillance et sur son exécution; 3° sur toute autres particularités ayant trait à cette matière.

J'ai réuni les éléments de ce travail et j'ai l'honneur de les remettre à votre seigneurie.

Pour bien établir l'état des choses, il est bon de voir les phases par lesquelles la surveillance a passé et de mettre en relief les différents systèmes qui ont été pratiqués et proposés.

La situation des condamnés libérés a été de tout temps en France l'objet des préoccupations non-seulement du législateur, mais aussi des hommes de science et d'humanité.

La surveillance remonte très-haut. On lit dans les réglements généraux de police en France, dès le 17e siècle, que les galériens libérés étaient soumis à une résidence déterminée et que, en cas d'infraction, ils devraient être renvoyés aux

galères, sur la simple constatation de leur identité. (Ordonnance de police de Louis XIV. de 1704.)

Pendant la révolution de 1789, on n'eut pas le loisir de s'occuper du régime pénitentiaire, et le Code pénal de 1791 et celui de 1795 ne font aucune mention de la surveillance des libérés.

Premier Système.

En 1805 un décret (19 Ventôse an XIII.) disposa que les forçats libérés, condamnés à la surveillance seraient tenus de déclarer la commune ou ils voudraient établir leur résidence; ils devaient se présenter aux préfets, qui les renvoyaient sous la surveillance de l'autorité locale. Ils ne pouvaient résider dans les villes de guerre et devaient rester éloignés de, au moins trois myriamètres des frontières (22 milles anglais environ).

Deuxième Système.

Un nouveau décret, du 17 Juillet 1806, vint aggraver la surveillance et y ajouter des prohibitions nouvelles. Il défendit aux libérés la résidence dans la capitale et les villes importantes, et dans les ports où il y avait des bagnes ou dépôts de condamnés.

Dans ce système ce n'est plus le convict qui choisit sa résidence, c'est le ministre de police, qui a le droit dans un intérêt d'ordre et de sûreté, de changer les résidences des libérés; ceux-ci étaient toujours placés sous la surveillance de l'autorité des lieux où ils étaient envoyés et il ne pouvaient les quitter sans une autorisation du préfet. Mais ces mesures ne s'appliquaient qu'aux forçats proprements dits, ou convicts libérés des travaux forcés (autrefois galériens). Dans ce second système les libérés étaient à la disposition absolue de l'autorité du ministre de la police.

Troisième Système. Code pénal de 1810.

Le Code de 1810 donna à la surveillance une extension beaucoup plus grande, mais en même temps il la rendit un peu moins rigoureuse.

Jusques là, la surveillance, comme nous venons de le dire, n'était appliquée qu'aux libérés des travaux forcés; elle frappe dorénavant tous les individus libérés de la réclusion; pénalité d'un degré inférieur aux travaux forcés. Les individus frappés de l'une ou l autre de ces peines étaient de plein droit et pendant toute leur vie sous la surveillance de la police. (Article 47 du Code pénal de 1810.) *

Les articles 44, 45 et 46 du Code indiquent le mode d'exécution de la surveillance. Voici les textes:

" 44.—L'effet du renvoi sous la surveillance de la haute police de l'Etat sera de donner au Gouvernement, ainsi qu'à la partie intéressée, (c'est-à-dire les victimes du crime) le droit d'exiger, soit de l'individu placé dans cet état, après qu'il aura subi sa peine, soit de ses père et mère, tuteur ou curateur, s'il est en âge de minorité, une caution solvable de bonne conduite, jusqu'à la somme qui sera fixée par l'arrêt ou le jugement: toute personne pourra être admise à fournir cette caution.

" Faute de fournir ce cautionnement, le condamné demeure à la disposition du Gouvernement, qui a le droit d'ordonner, soit l'éloignement d'un individu d'un certain lieu, soit sa résidence continue dans un lieu déterminé de l'un des départements de la France.

" 45.—En cas de désobéissance à cet ordre, le Gouvernement aura le droit de faire arrêter et détenir le condamné durant un intervalle de temps qui pourra s'étendre jusqu'à l'expiration du temps fixé pour l'état de la surveillance spéciale."

Résultats du Système du Code de 1810 *et Critique.*

Ce système ne produisit que de mauvais résultats. D'abord il y avait quelque chose d'exhorbitant dans la détention administrative que l'article 45 laissait à la merci du Gouvernement, qui, en cas d'infraction, pouvait changer à son gré la

* La loi dans certains cas spécifiés appliquait aussi la surveillance temporaire de cinq à dix ans à des individus condamnés seulement à des peines correctionnelles non infamantes, c'est-à-dire de 6 jours à 5 années d'emprisonnement, tels que les recidivistes, les mendiants, les vagabonds qui ont usé de violences, les voleurs de certaines catégories, etc., etc. La surveillance était la même pour cette catégorie d'individus.

surveillance en détention, même pour la vie entière si la surveillance était à vie.

Quant au cautionnement, la loi exigeait que le montant en fût fixé au moment même de la condamnation, c'est-à-dire, à un moment où l'on ne pouvait pas savoir quelle serait la conduite du condamné pendant la durée de sa peine et par conséquent quelle garantie il conviendrait de lui demander quand il rentrerait dans la société.

L'application des règles du cautionnement souleva des difficultés dans l'exécution. La jurisprudence donna une interprétation tellement restrictive à l'article 44, que le cautionnement devint une exception dans la pratique ; l'expérience du reste a démontré que le cautionnement était généralement fourni par les libérés les plus dangereux ; il suffisait que les condamnés fussent solvable pour échapper à la surveillance, tandis que le libéré repentant et amendé, mais non solvable, y restait soumis.*

D'un autre côté, "les mesures de précaution dont le surveillé était l'objet, ses rapports continus avec la police n'échappaient pas longtemps à l'attention publique ; les antécedents du libéré une fois connus, il était repoussé de la société et même des ateliers ; il ne trouvait pas un travail honnête pour vivre et souvent le mépris dont il était entouré et la nécessité de vivre le ramenaient au crime." †

Ce système avait fini par soulever la réprobation générale, et en 1832 il fut radicalement modifié. Les anciens articles 44 et 45 se changèrent dans le texte suivant. (Loi du 28 Avril 1832.)

Quatrième Système. Code pénal de 1832.

"44.—L'effet du renvoi sous la surveillance de la haute police sera de donner au Gouvernement le droit de déterminer certains lieux dans lesquels il sera interdit au condamné de paraître après qu'il aura subi sa peine. En outre, le condamné devra déclarer, avant sa mise en liberté, le lieu où il veut fixer sa résidence ; il recevra une feuille de route réglant l'itinéraire dont il pourra s'écarter, et la durée de son séjour dans chaque lieu de passage. Il sera tenu de se présenter, dans les vingt-quatre heures de son arrivée, devant le maire de la commune ; il ne pourra changer de résidence sans avoir indiqué, trois jours à l'avance à ce fonctionnaire, le lieu où il se propose d'aller habiter, et sans avoir reçu de lui une nouvelle feuille de route.

"45.—En cas de disobéissance aux déspositions prescrites par l'article précédent, l'individu mis sous la surveillance de la haute police sera condamné par les tribunaux correctionnels, à un emprisonnement qui ne pourra excéder cinq ans."

On le voit tout d'abord, dans ce nouveau système, il n'y a plus de détention administrative ; ce sont les tribunaux seules qui punissent les infractions à la résidence, (ou ruptures de ban), d un emprisonnement qui ne peut excéder cinq années.

Ainsi la surveillance se réduit dans le nouveau code pénal à deux choses : 1° L'autorité a le droit d'interdire au libéré l'accès de certains lieux, par exemple, de ceux qu'habitent sa victime ou la famille de celle-ci, les témoins, les jurés, etc., etc. ; de ceux où il y a des maisons de condamnés, de certaines grandes villes, o des associations ou rencontres de convicts pourraient être dangereuses. 2° Obligation pour le libéré de faire connaître à l'autorité le lieu de sa résidence et de la mettre en mesure de suivre tous ses mouvements. Il n'y a plus de ésidence obligée pour les libérés. La résidence est à leur choix sauf certaines restrictions.

Le ministre de l'intérieur, dans une circulaire du 8 Juillet 1833, expliquait les effets de la loi nouvelle ; après avoir dit que l'autorité serait toujours à même de de suivre silencieusement les pas du libéré, et de surveiller avec réserve sa conduite, le ministre ajoutait : " Les condamnés doivent être dispensés à l'avenir de toutes les mesures de police, qui en donnant au fait une véritable publicité, les frappaient d'une sorte de réprobation universelle et les mettaient dans l'impossibilité d'amender leur conduite. Ils ne seront donc plus assujettis à se représenter à des époques périodiques devant l'autorité comme on leur en avait

* La jurisprudence avait généralement fixé le cautionnement à 100 et 150 francs. C'était de la dérision.

† Exposé des motifs de la loi du 28 avril 1832, modificative de la loi pénale, par le ministre de la justice à la Chambre des Députés.

imposé l'obligation. Il faut qu'ils soient toujours connus de l'administration, mais qu'ils restent inconnus du public."

Le Gouvernement ou l'administration dans l'exécution de ce système usait d'une grande facilité envers les libérés qui demandaient à changer de résidence ; en un mot, une grande humanité présidait au système de la surveillance de la police inaugurée en 1832.

Résultats et Critique du Système de Surveillance de 1832.

Ce système, au bout de 18 années de pratique, a été universellement attaqué comme défavorable. Les attaques se résument à dire que le système laisse aux libérés non-amendés toutes facilités pour de nouveaux crimes et ne donne aux libérés améliorés aucun moyen efficace de cacher leurs antécédents et de se créer une existence honnête par le travail.

Le libéré est généralement mal accueilli dans son pays ; il ne peut guère y séjourner ; s'il va ailleurs, il lui faut des papiers ; il voyage non avec un passe-port ordinaire, mais avec une feuille de route qui explique sa position de repris de justice. La pratique a démontré qu'il était extrêmement difficile de dissimuler cette situation ; cette difficulté a été reconnue non-seulement par tous les écrivains qui ont traité de la matière, mais aussi par les cours de justice, par les conseils-généraux des départements, et par les autorités administratives elles-mêmes.

Les discussions et les documents législatifs qui se sont produits autrefois à la Chambre des pairs et à la Chambre des Députés constatent que les espérances du législateur de 1832 ont été trompées à l'endroit du libéré amendé ; la surveillance en fait toujours un paria dans la société ; les libérés cherchent par tous les moyens possibles à s'affranchir de la surveillance. En 1843, il y a eu près de trois mille poursuites pour rupture de ban.

Quant aux libérés non amendé les résultats sont bien plus déplorables ; le système de 1833 multiplie pour eux les moyens de commettre impunément de nouveaux crimes, par la facilité de locomotion.

Les convicts se recherchent après leur libération et s'associent pour les méfaits ; sous prétexte de chercher du travail, ils se déplacent souvent même aux frais de l'État, qui leur accorde, comme aux indigents, une indemnité de route ; et ils ne cherchent que l'occasion de mal faire.

Le ministre de l'intérieur lui-même dans une circulaire du 28 août 1842 s'exprime ainsi :

"La société est encore à douter que les adoucissements apportés à la surveillance en 1832 aient rendu les libérés moins redoutables. Elle est même à se demander si la plus grande liberté dont ils jouissent, si la faculté quils ont depuis cette époque de résider dans toutes les localités dont le séjour ne leur a pas été interdit, n'est pas un danger de plus pour la société. Et peut-être en est-il ainsi, en effet, car le nombre des récidives n'a pas cessé de s'accroître."

En effet, les récidives en dix ans, depuis 1830 jusqu'en 1840, étaient montées de 14 à 35 pour cent.

La surveillance était devenue tellement inefficace et dangereuse que les cours de justice l'appliquaient moins souvent qu'autrefois ; et les condamnations à la surveillance, qui, de 1832 à 1840, étaient en moyenne de 3,300 par an, étaient descendues à 2,750 en 1840 et 1842, ainsi que le constatent les statistiques criminelles.

Tous les corps constitués réclamaient à grands cris une réforme dans la surveillance, réforme que l'établissement des chemins de fer rendait encore plus urgente.

Tel était l'état des choses de 1840 à 1848 ; les corps législatifs avaient été plusieurs fois saisis de projets de réformes, en cette matière, mais sans qu'ils aient pû aboutir en lois. Les opinions étaient très divisées.

Réformes proposées.

Car quelles réformes fallait il-opérer ? Devait-on revenir au système de 1810 ou bien supprimer purement et simplement la surveillance, ainsi que cela a eu lieu, par exemple, en Portugal ?

Des esprits éminents ont cherché le remède dans la distinction parmi les libérés ; ils proposaient d'affranchir de la surveillance les libérés amendés et ne laissaient soumis à la surveillance (mais à celle de 1810 : residence obligée

au choix du Gouvernement) que les libérés incorrigés. C'est sur cette distinction qu'on proposait de fonder un nouveau système, consistant à laisser à l'administration le droit absolu de restreindre et de suspendre, à son gré l'effet de la surveillance encourue, selon que les libérés sembleraient présenter des garanties d'amendement, aux risques même d'être quelquefois trompée par des condamnés hypocrites.

On devait laisser à l'administration la faculté d'exiger soit un cautionnement en argent soit le cautionnement moral d'un citoyen bien famé, qui promet de veiller sur le libéré, soit les deux cautionnements réunis.

Aux libérés incorrigés on refuse la liberté de locomotion ; on les oblige à la residence forcée, comme en 1810, dans le lieu désigné par l'autorité.

C'est la seule arme, dit-on, dont la société soit pourvue contre de tels ennemis; on avait encore proposé de les envoyer en Algérie. La feuille de route ou passeport pénal devait continuer d'exister, mais seulement pour les libérés non amendés et devait disparaître en faveur des libérés corrigés. Le pécule acquis pendant la durée de la peine ne devait plus être remis en totalité aux libérés incorrigés à la sortie de la prison, mais ne leur être payé que par parties au lieu de la résidence. On repoussait encore la surveillance à vie, (déjà abolie en Belgique et en Sardaigne,) comme un obstacle à l'amélioration morale du condamné. Clui-ci ne pouvait jamais espérer de voir la fin des entraves de son existence. Bref, toutes ces propositions tendaient à laisser au Gouvernement la faculté de restreindre, de suspendre, et même de faire revivre la surveillance selon les mérites des libéres.

On proposait d'autre part la transportation de tous les libérés surveillés dans quelque colonie lointaine (ainsi que le prescrivait pour tous les récidivistes le code pénal de 1791). En même temps on demandait que le nombre des cas où s'applique la surveillance fut restreint. Ce qui était logique, car les cas de surveillance sont trop multipliés dans la loi française,

Telles sont quelques-unes des diverses opinions qui étaient à l'ordre du jour en France depuis 1840.

Il s'agissait de trouver un système de surveillance qui garantît la société contre les libérés dangereux et qui ne fût pas un obstacle au reclassement des libérés dans la société.

Tel était le problème qui était posé et qui n'était pas résolu quand éclata la révolution de 1848.

Cinquième Système de 1851.

L'agglomération des libérés dans les grands centres de population fut à cette époque pour la société une source de graves dangers. Aussi Napoléon, usant de son pouvoir souverain après le coup d'Etat, ramena la surveillance à des règles plus sévères. Un décret du 8 Décembre 1851 adopta en partie les réformes proposées.

Nous laissons de côté ce qui dans ce décret, comme dans toutes les lois antérieures, peut toucher à la politique, pour ne signaler que les modfications et aggravations qu'il a apporteés aux systèmes précédents.

1° Tout libéré surveillé, déclaré par la justice coupable de rupture de ban, tombe à la merci du Gouvernement, qui peut, pendant cinq ans au moins et dix ans au plus le transporter au-delà des mers. Auparavant le maximum de la peine n'était qu'un emprisonnement de cinq années en France, comme nous l'avons dit plus haut.

2° L'administration seule a le droit pour l'avenir de déterminer la résidence des surveillés.

3° La présence non ausroisée à Paris et dans la banlieue peut être punie de la transportation.

Les libérés condamnés à la surveillance antérieurement au décret du 8 Décembre 1851 sont restés soumis à la législation de 1832, tandis que les condamnés postérieurement subissent la loi actuelle ; mais tous les surveillés condamnés, soit antérieurement, soit postérieurement, au décret sont susceptibles de la transportation s'ils sont déclarès coupables de rupture de ban. Ce fut là une grande mesure d'intimidation.

Une circulaire ministérielle du 1er Septembre 1852 dispose que les préfets, comme représentants du Gouvernement dans les départements, peuvent seuls, à l'exclusion de tous autres magistrats, autoriser les changements de résidence des

libérés ; chaque demande de changement doit être précédé et accompagnée d'une enquête sur ses motifs ; les préfets doivent en donner avis immédiatement au ministre de l intérieur qui statue définitivement.

Tel est l'état actuel en France des libérés condamnés à la surveillance.

Effets du Décret de 1851.

Ce régime a produit des effets considérables ; depuis 1852, le nombre des crimes en France à diminué. Ce résultat est dû en grande partie à la transportation hors d'Europe de tous les surveillés coupables de rupture de ban ; mais si le nombre des crimes à diminué, celui des récidives à augmenté. Cette contrariété dans les faits s'explique par l'établissement du *casier judiciaire*, qui existait déjà avant 1852, mais qui depuis est devenu l'objet d'une soin et d'un ordre particulier. Le *casier judiciaire* se compose de répertoires alphabétiques qui existent auprès de chaque tribunal. Ces répertoires contiennent les noms, les liens de famille, le signalement, les renseignements applicables à tout individu ayant subi une condamnation. Le procureur-impérial près chaque cour de justice est tenu d'envoyer au procureur-impérial du lieu de do nicile ou de naissance d'un condamné une feuille de renseignements concernant ce dernier.

Il se fait au moyen de ces renseignements un travail de classement qui permet de retrouver dans les registres les traces et les antécédents des malfaiteurs. Des qu'il y a doute sur leur identité, le casier vient en aide aux investigations. Autrefois il n'était pas rare de voir un individu paraître devant la justice sous un nouveau nom, alors qu'il avait déjà subi plusieurs condamnations sous divers autres noms. Ces cas sont devenus bien plus rares au moyen du casier judiciaire qui signale a la justice les précédentes de chaque individu poursuivi.* C'est là la cause à laquelle on attribue l'augmentation des récidives ; les coupables ne peuvent plus aussi facilement dissimuler leur identité.

La société à trouvé encore une garantie dans un décret du 27 Mars 1852 qui a été converti en loi le 30 Mai 1854.

Cette loi contient deux dispositions pleines de rigueur et d'intimidation.

1°. Les bagnes sont établis hors du territoire continental de la France.

2°. Les individus condamnnés à moins de huit années de travaux forcés seront tenus de résider dans la colonie pendant un temps égal à la durée de leur peine ; et si la peine est de huit années ils seront tenus d'y resider toute leur vie, et ne pourront jamais rentrer en France à moins que les lettres de grâces ne les y autorisent spécialement.

Ces mesures purgent la France d'un grand nombre de malfaiteurs, et certes, sous ce rapport, il y a amélioration pour la société, mais y a-t-il amendement pour les malfa teurs ? L'expérience n'est pas encore faite, pas plus que celle des colonies pénales, qui sont la conséquence de cet état de choses ; la loi en retenant les condamnés dans la Guyane. par exemple, les considère toujours comme prisonniers ; mais en même temps elle accorde au Gouvernement la faculté de concéder aux condamnés qui semblent s'être amendés, certains avantages tels que la liberté provisoire, la jouissance des droits civils, le mariage, la présence de leur famille et même une concession de terres, etc., etc.

C'est le point de départ de colonies pénales qui ont été déjà expérimentées en Angleterre, mais dans des conditions un peu différentes. Le temps en jugera ; mais ce qu'il fallait avant tout obtenir, c'était la securité de la société effrayée par le nombre et l'audace des convicts libérés. Et ce but a été en partie atteint par l'interdiction du séjour de la France à tous les anciens forçats.

Je dois ajouter que l'administration a une pratique qui tend à encourager les libérés dans la voie de l'amendement. Elle facilite leur reclassement dans la société du moment qu'ils trouvent quelque citoyen jouissant de la considération publique qui veuille moralement répondre d'eux ; elle ne garde ses

* Outre le casier judiciaire, qui est du domaine des magistrats de justice, il y a *sommier de police*. Ce sont d'immenses répertoires où figurent les noms et renseignements sur toutes les personnes qui ont été l'objet de quelque mesure de police. Ces registres servent aussi pour constater l'identité et les antécédents, mais ces indications en sont essentiellement officieuses et secrètes.

sévérités que pour les libérés incorrigés et a beaucoup d'indulgence pour les amendés; ainsi à Paris il y a beaucoup de surveillés qui ont obtenu l'autorisation de séjourner dans la capitale.

On songe en ce moment à des améliorations. Il est question de traduire en loi cette pratique de l'administration. Il s'agirait d'organiser légalement le patronage des libérés qui est l'âme du système pénitentiaire et qui en est l'accessoire obligé; ce patronage s'étendrait largement à toutes les catégories de condamnés. L'administration pourrait, à raison de l'amélioration qui se manifesterait chez les condamnés, abréger la peine, accorder provisoirement la liberté, révoquer les faveurs accordées; ou faciliterait la réhabilitation légale des condamnés (si difficile aujourd'hui), après avoir constaté par des épreuves leur réhabilitation morale. Enfin, les meilleurs esprits sont persuadés que le régime cellulaire est le plus efficace pour amender les coupables. Le système cellulaire avait été préconisé en France de 1830 à 1853. En cette année il avait été mis de coté; en ce moment l'opinion tend à y revenir.

Tel est l'état des choses en France; il ne présente rien de totalement nouveau, et toutes les institutions qui ont été signalées se trouvent en quelque sorte dans un exposé fait au parlement anglais le 5 Mars 1847, par Lord Grey, ministre des colonies.

Quoi qu'on ait pû dire pour ou contre la transportation et les colonies pénales, elles viennent d'être établis en France dans le but de diminuer le nombre des surveillés sur le continent. Et c'est à l'absence de cette classe d'hommes que nous devons une amélioration dans l'état criminel.

Agréez, Milord, mon respectueux dévouement,

N. Treite,
Avocat à la Cour Impériale,
Conseil à l'Ambassade.

Paris, ce 4 Mars 1863.

APPENDIX No. 21.

Letter from T. Harries, Esq., on the Diet of Convicts, with Tables.

Sir, Gwydyr House, Whitehall, May 8, 1863.

The Government having appointed a Royal commission, of which you are a member, to inquire into the system of penal servitude, I venture to submit for your consideration the following observations in reference to the diet of convicts.

The dietaries of all workhouses in England and Wales come under md notice, and having by me a large amount of reliable information respectiny dietaries generally, including those of prisons and lunatic asylums, it occurreg to me that information might be of help to the commissioners in arriving at just conclusions in regard to the diet of convicts.

During the last quarter of a century our knowledge of food with its properties has considerably increased. At one time it was deemed to be impracticable to classify persons, owing to various circumstances, such as age, constitution state of health, &c., for the purpose of placing them on a given scale of diet, so that generally speaking inmates of large institutions were dieted not according to any fixed rule, the matter being left to the discretion of the governor or the inmates were allowed food ad libitum. Now, however, such institutions as prisons, lunatic asylums and workhouses have their fixed scales of diet, and from the experience of these institutions it is not very difficult to decide what is needful in any given class.

The inmates of workhouses, for the purpose of diet, are generally divided into six classes, and a separate scale of diet is fixed for each; viz., (1) aged men; (2) aged women; (3) able-bodied men; (4) able-bodied women and children of both sexes between 9 and 16 years of age; (5) children from 5 to 9; and (6) children from 2 to 5. Those under 2 and sick inmates are dieted at the discretion of the medical officer of the workhouse. There is no uniform scale of diet in use for any one of these classes, but they vary in different workhouses.

The insane in lunatic asylums too have several scales of diet, and the amount of food varies in different asylums, and the variation in asylums and in workhouses is sometimes very considerable.

With the view of instituting a comparison between the dietaries of workhouses, lunatic asylums, and those of convict establishments, a selection has been made of two dietaries, one representing as nearly as possible the average of the dietaries of able-bodied men in workhouses, and the other the average of the dietaries used in lunatic asylums. The comparisons, therefore, will strictly be, between the diet of able-bodied men in workhouses and insane men in asylums and that of male convicts. The convict establishments selected are Millbank, Pentonville, Portland, Portsmouth and Chatham, and the dietaries of these 5 establishments alone will be noticed.

For the sake of clearness it will be convenient that I should state (I.) the weekly amount of the different articles of food received by each male inmate; (II.) the nutritive value of such food, and (III.) its cost.

I.—*Weekly amount of Food.*

The following table exhibits the weekly amount of the different articles of food received by each male convict in the establishments above-named, according to the prescribed dietary in each. The amounts are inclusive of the ingredients used in the preparation of the liquid food and puddings.

TABLE 1.

Articles of Food.	Pentonville.	Millbank.	Portland.		Portsmouth.			Chatham.		
			Ordinary Diet.	Increased Diet.	1st and 2nd Stage.	3rd Stage.	4th Stage.	Ordinary Diet.	3rd Stage.	4th Stage
	oz.	oz.	oz.	oz.	oz.	oz.	oz.	oz.	oz.	oz.
Bread -	140	154	150	174	189	192	192	189	192	192
Cooked Meat	30	35	39	39	40	40	40	39	39	39
Potatoes -	112	112	115	119	119	119	119	115	115	115
Oatmeal -	10⅓	14	14	14	10½	10⅓	10⅓	14	—	—
Cocoa -	5¼	3½	2¼	2¼	5¼	5¼	5¼	5¼	5¼	5¼
Milk -	14	14	14	14	14	14	16	—	17	20
Treacle -	10⅓	7	5¼	3	10½	7⅓	11	8½	5¼	6¼
Flour -	—	—	16½	16½	—	—	3	—	—	3
Barley -	3½	—	3	7	3½	3½	3½	3	3	3
Rice -	—	—	—	7	—	—	—	—	—	—
Cheese -	—	—	—	2	—	2	2	—	2	2
Suet -	—	—	2¼	2¼	—	—	1	—	—	1
Tea -	—	—	½	½	—	—	—	—	1⅙	1⅙
Sugar -	—	—	3	3	—	—	—	—	5¼	5¼
Beer -	—	—	—	½ pint	—	½ pint	½ pint	—	½ pint	½ pint
Total -	325¾	339½	364¾	403½*	391¾	393¾*	403¼*	373¾	385*	393*

* Exclusive of beer.

The next table is similar to the preceding one, with the exception that the average of the three dietaries at Chatham, the two at Portland, and the three at Portsmouth, is given in each case instead of the separate dietaries.

TABLE 2.—WEEKLY ALLOWANCES of FOOD.

Convict Establishment.	Bread.	Cooked Meat.	Potatoes.	Oatmeal.	Cocoa.	Milk.	Other Articles.	Total.
	oz.	oz.	oz.	oz.	oz.	oz.	oz.	oz.
Pentonville - -	140	30	112	10½	5¼	14	14	325¾
Millbank - -	154	35	112	14	3½	14	7	339½
Chatham - -	191	39	115	4½	5¼	12	16⅓	383¼
Portland - -	162	39	117	14	2¼	14	35¼	383½
Portsmouth - -	191	40	119	10½	5¼	15	16¼	397

Table 3 exhibits the weekly amount of the different articles of food received by an able-bodied man in the workhouse, and male lunatic in asylum.

TABLE 3.—WEEKLY ALLOWANCES of FOOD.

—	Bread.	Cooked Meat.	Potatoes.	Oatmeal.	Milk.	Treacle.	Flour.	Barley.	Rice.	Cheese.	Suet.	Peas.	Total.
	oz.	oz.	oz.	oz.	oz.	oz.	oz.	oz.	oz.	oz.	oz.	oz.	oz.
Workhouse -	120	16	60	10½	—	—	7¾	—	—	9	1½	10½	243¾
Lunatic asylum	138	18	53½	4	133	½	9	1	1	—	1½	4	363½

The weekly amount of the different articles of food received by the soldier, sailor, compositor, and the working coachmaker will be seen by the undermentioned table.

TABLE 4.—WEEKLY ALLOWANCES of FOOD.

—	Bread.	Cooked Meat.	Potatoes.	Oatmeal.	Chocolate.	Milk.	Flour.	Cheese.	Tea.	Sugar.	Peas.	Coffee.	Butter.	Beer.	Total.
	oz.	oz.	oz.	oz.	oz.	oz.	oz.	oz.	oz.	oz.	oz.	oz.	oz.	pts.	oz.
Soldier - -	168	56	112	–	–	–	–	–	1	–	–	–	–	–	337
Sailor - - -	140	65	56	28	7	–	–	–	1¾	14	17½	–	–	–	329¼
Compositor -	112	44	42	–	–	14	3	12	1¼	6	–	3	8	7	*245¼
Working coachmaker -	224	37	56	–	–	–	–	–	–	16	–	4	–	–	337

* Exclusive of beer.

With regard to the amount of food consumed by agricultural labourers and their families, some idea may be formed from the following statements which have been kindly supplied by Mr. Hawley and Mr. Lambert, Poor Law Inspectors. The statements refer to labourers in Hants, Dorset, Hunts, and Nottingham.

1. *Hampshire.*—"E. S., many years carter with Mr. R. H.; wife and three children. Wages, 12*s.* a week. Food, per week: 4 gallons bread, 2 lb. or 2½ lb. bacon, ¾ lb. butter, 1½ lb. sugar, 2 oz. tea, 1 oz. coffee, 1 lb. cheese, ½ lb. soap, 1*d.* soda, ½ starch, 1 lb. candles. No butcher's meat ever purchased. Remainder of wages spent in rent, 2*s.* Sick club, 1*s.* 6*d.* per month. Clothing and coal club, 1*s.* per month. No beer is consumed."

2. *Hampshire.*—"J. P., many years farm labourer with Mr. J. T. Wages, 11*s.*; widower, with four children. Food, per week: 4½ gallons of bread, 1½ to 2 lbs. bacon, 1 oz. tea, 1 lb. sugar, 1 lb. (and sometimes 1¼ lb.) butter. The remainder of wages spent much as in E. S.'s case. No beer is consumed."

3. *Hampshire.*—"W. A., able-bodied, wife, and five children under 16 years. Weekly wages, 10*s.* Food consumed by the family during the week: 7½ gallons bread, 1 lb. sugar, 2 oz. tea, 1½ lb. butter, 1½ lb meat, ¾lb. candles, ½ lb. soap and soda. Boy goes to work at 3*s.* per week, and the man has occasional task work."

4. *Hampshire.*—"J. P., able-bodied, wife, and eight children under 16 years. Weekly wages, 10*s.* Food consumed by the family during the week: 8 gallons bread, 1 gallon flour, 1 lb. sugar, 2 oz. tea, 2 lb. butter, 1¼ lb. meat, 1 lb. candles, 1 lb. soap. Girl goes to a neighbour's house every morning until 11 o'clock, has breakfast and 1*s.* per week. The man has occasional task work, and living in the village gets now and then 1*s.*"

5. *Dorsetshire.*—"B. F., wife and four children. Wages, 9*s.* per week. Food per week: flour, 5*s.*; coffee, 2*d.*; coals, 1*s.* 3*d.*; candles, 3½*d.*; rent, 2*s.* Total, 8*s.* 8½*d.* Some weeks a little sugar. No meat in the house since Christmas. Clothes supplied by charity." (7th March, 1863.)

6. *Dorsetshire.*—"J. H., wife and four children. Wages, 8*s.* per week. Food for week: Flour, 4*s.*; butter, 3*d.*; baking bread 2½*d.*; barm 1½*d.*; tea, 3*d.*; soap and soda, 4½*d.*; tobacco, 3*d.*; candles, 3½*d.*; coals, 4*d.*; rent 2*s.* Total, 8*s.* 1*d.* Wood found by employer. No meat. Clothing by charity, and extra money earned at harvest time."

7. *Dorsetshire.*—"C. G., wife and six children. Wages, 9*s.* per week. Food

per week: flour, 5*s.*; cheese, 4*d.*; meat, 6*d.*; butter, 6½*d.*; candles, 2*d.*; soap, 3*d.*; pepper and salt, 1*d.*; rent, 2*s.* 3*d.* Total, 9*s.* 1½*d.* No money for clothing."

8. *Huntingdonshire.*—"J. W., agricultural labourer, belonging to Ellington. Wife and two children. Earnings, about 10*s.* 6*d.* per week. Food, 20 lbs. bread, 7 lbs. flour, 3 lbs. meat, small portion cheese in harvest time, ½ lb. butter, 1½ oz. tea, 2 lbs. sugar, ¼ lb. currants, 1 peck potatoes=1 stone, 1 quart beer."

9. *Huntingdonshire.*—"W. K., agricultural labourer, belonging to Ramsey. Wife dead. Largest number of children dependent while wife living, 7. Average wages, 10*s.* per week. Family earnings, 3*s.* Food, per week: 63 lbs. bread, ½ stone flour, 2 lbs. meat, no cheese, ½ lb. butter, ¼ lb. lard, 1 oz. tea, 1 oz. coffee, 1 lb. sugar, 1 lb. rice, 1 quart milk, 3½ stone potatoes, 1*d.* treacle, beer average ½ pint a day."

10. *Nottinghamshire.*—Single man. Wages, 12*s.* Food consumed in a week, 8 lbs. bread, 2 lbs. cooked meat, 7 lbs. potatoes, 1 lb. sugar, 1 oz. tea, 1 oz. coffee, and 8 oz. butter. Men with large families cannot get so large a diet.

From the above statements of the agricultural labourers the following Table 5 has been prepared, which exhibits the number in family and the weekly amount of food consumed.

TABLE 5.—WEEKLY AMOUNT of FOOD.

Number in Family.	Bread.	Uncooked Meat.	Uncooked Bacon.	Flour.	Tea.	Sugar.	Butter.	Coffee.	Cheese.	*Potatoes.	Rice.	Milk.	Beer.	Total.
	oz.	oz.	oz.	oz.	oz.	oz.	oz.	oz.	oz.	oz.	oz.	oz.	oz.	oz.
1. Man, wife and 3 children	512	–	36	–	2	24	12	1	16	250	–	–	–	853
2. Man and 4 children -	576	–	28	–	1	16	18	–	–	300	–	–	–	939
3. Man, wife and 5 children	960	24	–	–	2	16	24	–	–	350	–	–	–	1,376
4. Man, wife and 8 children	1,024	24	–	112	2	16	32	–	–	500	–	–	–	1,710
5. Man, wife and 4 children	645	–	–	–	–	–	–	2	–	300	–	–	–	947
6. Man, wife and 4 children	516	–	–	–	1	–	4	–	–	300	–	–	–	821
7. Man, wife and 6 children	645	16	–	–	–	–	8	–	8	400	–	–	–	1,077
8. Man, wife and 2 children	320	48	–	112	1⅓	32	8	–	–	224	–	–	2	745⅓
9. Man, wife and 7 children	1,008	32	–	112	1	16	12	1	–	800	16	38	3½	2,036
10. Single man - - -	128	48	–	–	1	16	8	2	–	112	–	–	–	315

* The returns as regards the first seven cases do not give vegetables, but, as it is presumed that most cottagers grow their own, the quantity has been estimated at 50 oz. for each member of a family.

II.—*Nutritive Value of Dietaries.*

The foregoing tables exhibit the quantity of the different articles of food prescribed weekly to the several classes of persons mentioned; but as some kinds of food are more nutritious than others, such as bread, which contains a larger amount of nutriment than potatoes, and butcher's meat than bacon, &c., &c., so that though a dietary may show a large amount of food, it does not follow as a matter of course that it is more nutritious than one containing a less amount.

The under-mentioned table shows the amount of nutriment in the dietaries of the convict establishments; from this table a better estimate may be formed of the real value of the dietaries in a nutritive point of view.

TABLE 6.—WEEKLY AMOUNT of NUTRIMENT.

	Quantity of Nitrogenous Ingredients.	Quantity of Substances free from Nitrogen.	Quantity of Mineral Matter.	Total.
	oz.	oz.	oz.	oz.
Pentonville - - - - -	20·88	123·54	4·09	148·51
Millbank - - - - -	22·78	125·60	4·25	152·63
Portsmouth, (Average) - - -	26·92	143·47	4·61	175·00
Chatham „ - - -	26·23	145·87	4·70	176·80
Portland „ - - -	28·95	150·06	4·68	183·69
Average of Convicts -	25·15	137·71	4·47	167·33

The amount of nutriment contained in the weekly dietary of the able-bodied man in the workhouse, and in the lunatic asylum, will be seen in the next table.

TABLE 7.—WEEKLY AMOUNT of NUTRIMENT.

——	Quantity of Nitrogenous Ingredients.	Quantity of Substances free from Nitrogen.	Quantity of Mineral Matter.	Total.
	oz.	oz.	oz.	oz.
Workhouse - - - - -	22·10	02·911	4·36	129·37
Lunatic asylum - - - -	23·45	104·84	4·02	132·31
Average - - -	22·78	103·87	4·19	130·84

The amount of nutriment in the food of the soldier, sailor, compositor, and working coachmaker will be seen by the following table.

TABLE 8.—WEEKLY AMOUNT of NUTRIMENT.

——	Quantity of Nitrogenous Ingredients.	Quantity of Substances free from Nitrogen.	Quantity of Mineral Matter.	Total.
	oz.	oz.	oz.	oz.
Soldier - - - - - -	25·55	114·49	3·94	143·98
Sailor in the Navy - - - -	29·63	152·91	4·52	187·06
Compositor - - - - -	21·24	100·83	3·12	125·19
Working coachmaker - - -	24·53	162·06	4·23	190·82
Average - - -	25·24	132·57	3·95	161·76

The nutritive value of the dietaries of agricultural labourers will be seen by the following Table 9. It will be observed, however, that the information is according to families, and not the amount of food consumed by each individual, except as regards the last case.

TABLE 9.

Number in Family.	Quantity of Nitrogenous Ingredients.	Quantity of Substances free from Nitrogen.	Quantity of Mineral Matter.	Total.
	oz.	oz.	oz.	oz.
1. Man, wife, and 3 children - -	45·54	360·25	11·16	416·95
2. Man and 4 children - - -	45·15	392·39	11·79	449·33
3. Man, wife, and 5 children - -	74·08	586·68	18·08	678·84
4. Man, wife, and 8 children - -	109·60	732·89	21·32	863·81
5. Man, wife, and 4 children - -	48·47	381·80	12·79	443·06
6. Man, wife, and 4 children - -	39·47	321·34	10·79	371·60
7. Man, wife, and 6 children - -	52·72	391·67	13·20	457·59
8. Man, wife, and 2 children - -	51·22	326·62	8·07	385·91
9. Man, wife, and 7 children - -	106·46	789·73	24·52	920·71
10. Single man - - - -	17·73	118·06	3·29	139·08
Average of 18 adults and 43 children -	9·69	72·16	2·21	84·06

III.—*Weekly Cost of Food.*

The weekly cost of food of each person, according to the dietary in force, will be seen by Table 10. The amount has been arrived at by taking the contract prices paid for provisions supplied to the Birmingham workouse.

TABLE 10.

	Weekly Cost of Food.
	s. *d.*
Convict Establishments:	
Millbank	3 6
Pentonville	3 6
Chatham (average of dietaries)	3 11
Portland ditto	4 1
Portsmouth ditto	4 3¼
Lunatic Asylum:	
Insane	2 6¾
Workhouse:	
Able-bodied man	2 3¾
Army:	
Soldier	4 5½
Royal Navy:	
Sailor	6 6¾
Compositor	4 9
Working coachmaker	4 3¾

The amount of food of the agricultural labourer is not distinguished from that of the family in the statements referred to, and consequently the cost of the food of each man cannot be given. The following table, however, will show the number in family, the wages, and the average sum for each member of the family. It should be borne in mind that the wages are to provide not only food, but firing, rent, clothing, &c., &c.

TABLE 11.—WEEKLY WAGES of AGRICULTURAL LABOURERS

——	Number in Family.	Weekly Wages.	Average for each Member of the Family.
		s. *d.*	*s.* *d.*
Case No. 1	5	12 0	2 4¾
„ 2	5	11 0	2 2½
„ 3	7	13 0	1 10¼
„ 4	10	12 0	1 2½
„ 5	6	9 0	1 6
„ 6	6	8 0	1 4
„ 7	8	9 0	1 1½
„ 8	4	10 6	2 7⅜
„ 9	9	13 0	1 5½
„ 10	1	12 0	12 0
Average	6	10 11½	1 9½

The position of the different dietaries in regard to the amount of food, the nutritive value of such food, and the weekly cost, will be seen by Table 12.

TABLE 12.—POSITION of DIETARIES in regard to

——	Food.	Nutriment.	Cost.
Portsmouth	1	4	5
Portland	2	2	6
Chatham	3	3	7
Lunatic Asylum	4	8	9
Millbank	5	5	8
Working coachmaker	6	10	4
Soldier	6	7	3
Sailor	7	1	1
Pentonville	8	6	8
Compositor	9	10	2
Workhouse	10	9	10

The proportion per cent. of the principal articles of food, viz., bread and meat, to the total weekly food of each dietary is :

——	Workhouse.	Asylum.	Pentonville.	Millbank.	Chatham.	Portland.	Soldier.	Sailor.	Compositor.	Working coachmaker.
Bread	49·2	38·0	43·0	45·3	49·9	42·2	49·9	42·5	45·7	66·5
Meat	6·6	5·0	9·2	10·3	10·2	10·2	16·6	19·7	17·9	11·0

It would appear that of late years dietaries of prisons have been greatly augmented. The dietary allowed to convicts on board hulks some 30 years ago was lower than those at present in use in the convict establishments. The particulars of such dietary are given in the 21st article of the "Instructions "to the Superintendents of Convicts in England," issued prior to 1833 from the office of the Secretary of State for the Home Department:—

"A daily allowance of provision is to be issued to the convicts according to "the following scheme of diet, a copy of which is to be kept constantly hung "up upon each deck so that the convicts may always know what they are "entitled to receive.

"DAILY ALLOWANCE to every CONVICT on board HULKS in ENGLAND.

Day of the Week.	Barley.	Oatmeal.	Bread.		Beef.	Cheese.	Salt.	Small-beer.
			Soft.	Biscuits.				
	lbs. oz.	lbs. oz.	lbs. oz.	lbs. oz.	lbs. oz.	lbs. oz.	oz.	Pints.
Sunday	0 4	0 3	1 0	0 4	0 14	—	½	1
Monday	0 4	0 3	1 0	0 4	—	0 4	½	1
Tuesday	0 4	0 3	1 0	0 4	0 14	—	½	1
Wednesday	0 4	0 3	1 0	0 4	—	0 4	½	1
Thursday	0 4	0 3	1 0	0 4	0 14	—	½	1
Friday	0 4	0 3	1 0	0 4	—	0 4	½	1
Saturday	0 4	0 3	1 0	0 4	0 14	—	½	1
Each Convict per Week	1 12	1 5	7 0	1 12	3 8	0 12	3½	7

" You are to use every possible means to prevent convicts from selling any " part of their allowance one to another, or to any other person, and you are " to be careful that no other than standard weights and measures are used."

The weekly allowance of food in this dietary is 238 oz., exclusive of beer, and the amount of nutriment in it is:

Quantity of Nitrogenous Ingredients.	Quantity of Substances free from Nitrogen.	Quantity of Mineral Matter.	Total.
oz. 28·31	oz. 120·66	oz. 4·34	153·31

and the cost per week, 3*s.* 5½*d.*

In the "General Report on the Convict Prisons" for 1860–1861 it is stated; " That the Portland diet was only augmented after full experience of the " insufficiency of that which had been first established."

The dietary here referred to contained 337¾ oz. of food per week, and the amended dietary prescribed 364 oz. The principal increase was in the quantity of cooked meat, which was raised from 25 oz. to 39 oz. a week—an increase of 56 per cent.

This prison was opened for the reception of convicts in November 1848, and on the 1st January following the governor recommended an alteration in the diet because some of the men had complained of its insufficiency; and on the 13th January the alteration was sanctioned by the Secretary of State, Sir George Grey. Now the experience referred to could not have been more than six weeks or two months; for the prison had not been opened more than about that period.

In October 1850 the dietary was again increased, Colonel Jebb on his visit to the prison found that several of the prisoners complained of the insufficiency of the food. Mr. Waddington in his letter sanctioning the alteration states "I am to signify to you his (the Secretary of State's) approval " of the proposed experiment being carried into effect, provided the principle " is not departed from,—that the convicts to whom this recommendation " applies, ought not to be better fed than is necessary for their health, and " sufficient to sustain their strength, so as to enable them to perform the labour " required of them, and especially that they should not be in a better position " in this respect than ordinary free labourers."

The dietary thus sanctioned is, and has been, I believe, in use ever since.

" Labouring men," writes the governor at Portland, " never think that they " have enough food if it is in a compact form, and will not be satisfied without " a belly full." Now, judging from the large rations allowed at Portland, one would decidedly say that the inmates are well attended to. At dinner alone, without mentioning the other meals, the convict gets 5½ oz. cooked meat every day in the week and 6 oz. on Sunday with 16 oz. potatoes, 1 pint of soup, and 6 oz. of bread on four days in the week, and 10 oz. suet pudding on the other three days in lieu of the bread.

The Secretary of State, in his letter already quoted sanctioning the dietary, states, " They should not be better fed than is necessary for health, &c. &c., " and especially that they should not be in a better position than ordinary free " labourers." I imagine it would be difficult to find free labourers getting for their dinners such rations as those mentioned; indeed, I question whether 20 in every 100 of the labouring classes in this country get half the quantity of meat per week as that allowed at Portland; and there are, I am satisfied, thousands whose rations amount to very little more than half those given to the convict.

The present high state of convict dietaries has arisen, I have no doubt, chiefly from the statement reiterated by prison inspectors and others, viz., that the diet ought not to be made an instrument of punishment. This doctrine in all probability has been aided by Sir James Graham's letter to the Chairmen of Quarter Sessions, dated 27th January 1843, in forwarding dietaries for adoption in prisons, states: " They are, therefore, proposed as the minimum

" amount which can safely be afforded to prisoners without the risk of in-
" inflicting a punishment not contemplated by law, and which it is unjust and
" cruel to inflict, namely, loss of health and strength through the inadequacy
" of the food supplied."

Still, it is found that that which is here disapproved of, viz., making the diet an instrument of punishment, is resorted to very generally in prisons for offences committed therein. In Pentonville and Millbank the prisoners are punished in this way, by giving them diminished rations, and the proportion of this species of punishment is about 43 per cent.

Dr. Houghton, medical officer at Portland, in recommending that the diet of the prisoners for idleness or misconduct should be one-half the ordinary prison diet, observes: " I feel convinced this arrangement will have more effect on the
" prisoners than many months of confinement on the present allowance; it
" will check all that shamming and scheming so common amongst prisoners,
" who are chiefly to be ruled through the stomach."

It is urged by the advocates of the present system that the health and strength of the men, when undergoing long periods of confinement, must be supported against the depressing influences, that they must have enough to eat, and must be discharged in a condition to earn their livelihood.

Now, looking at the liberal scale of the diet, I should say that the strength, &c., of the men are well attended to; and, further, I believe that the majority of them are better off in prison, in respect of their food, than they are when at large. Many of them, it is well known, improve in their physical condition in consequence of their residence in prison. The medical officer at Portland writing on this subject, says, " that the prisoners in about six weeks or two
" months time they gradually improve in health and weight."

It is contended, as already stated, that the men must have enough to eat, and, I suppose no one would deny the convict what is needful; but the question is, what is enough? Colonel Jebb says " The amount of diet to be used in
" prison is altogether a medical question." Well, if so, the medical officers of the establishments referred to shall answer the question. The medical officer at Pentonville says that a convict ought to have 325¾ oz. food a week; the medical officer at Millbank says 339½ oz.; the medical officers at Chatham and Portland say 388½ oz.; and the officer at Portsmouth 397 oz.

Having, by the foregoing tables, given the particulars of the several dietaries as regards the weekly amount of food of each person, the amount of nutriment and the cost of such food, and also noticed some matters bearing upon the subject, I will now endeavour to point out the results of the tables, viz.:—

1. That considerable differences prevail in the amount of food in the dietaries of the convict establishments. Portsmouth, the highest, gives 3·5 per cent. per week more food than Portland; 3·6 more than Chatham; 16·9 more than Millbank; and 21·9 more than Pentonville.
2. That the average quantity received by each male convict is 377 ounces a week; so that the convict gets 58·4 per cent. more food than the convict of 30 years ago; 3·7 more than the lunatic; 11·9 more than the soldier and working coachmaker respectively; 14·5 more than the sailor in the navy; 53·7 more than the compositor; 54·7 more than the pauper; and 21·9 more than the average of the lunatic, soldier, working coachmaker, sailor, compositor, and pauper.

And as regards nutriment:—

The convict at Portland gets food producing 3·9 per cent. per week more nutriment than the convict at Chatham, 5·0 more than Portsmouth; 20·3 more than Millbank; 23·7 more than Pentonville; 13·6 more than the average of the dietaries of the soldier, sailor, compositor, and working coachmaker, and 40·4 more than the average of the diet of the pauper and lunatic.

And as to the cost of food:

The convict at Portsmouth costs 4*s.* 3¼*d.* per week; at Millbank, which is the lowest of the convict establishments in question, 3*s.* 6*d.* The average is 3*s.* 10¼*d.* The pauper costs 2*s.* 3¾*d.*; the insane, 2*s.* 6¾*d.*; and the average of the soldier, sailor, compositor, and working coachmaker is 5*s.* 0¼*d.*

The next and most important question to be considered is, whether the dietaries ought to be revised. Considering all the circumstances of the case,

and bearing in mind both the interest of the public and that of the convict, I am inclined to think that they ought to be altered, and for the following reasons:—

1. Because the labour exacted of the convict is not greater than that performed by the agricultural labourer, and hardly in excess of that required of the able-bodied man in the workhouse.
2. Because the diet of the convict is much in excess of the diet of the several classes mentioned.
3. Because the convict is placed, in regard to food, in a better position than it is possible for the honest labourer to attain.
4. Because it is a temptation to crime. For instance, suppose "I. H.," one of the cases of the agricultural labourers noticed, was sent to Portland, there he would obtain food of different sorts amounting to 377 ounces a week, and at a cost of 4*s.* 1*d.* At the expiration of the term of his imprisonment he returns home, probably improved in health, and possibly with an enlarged appetite; he obtains employment at his former wages of 8*s.* a week; he, however, soon finds that he cannot do now as he did formerly, and that after providing for his wife and four children he cannot possibly get anything like the amount of food he had in prison. He might say, "I work hard, and have not enough to eat, and when in "prison I did not work harder, where I had plenty to eat, and therefore "it is better for me to be in prison again than here." He therefore commits a fresh crime and leaves his family to the care of the parish.
5. Because it is unjust to the convict whose physical condition has been raised above its usual level, and hence he is placed, on his release from prison, if unreformed, in a better position to commit crime again.
6. Because the cost of the diet is greatly above that of the pauper, the lunatic, and the agricultural labourer.
7. Because of the expense,—it being unjust to the public to have to pay 4*s.* a week for the food of the convict while the poor lunatic and pauper can be properly maintained at an average cost of only 2*s.* 4*d.*

I have the honor to be, &c.

T. Harries.

Rt. Hon. E. P. Bouverie, M.P., &c., &c.

APPENDIX No. 22.

List of Offences for which the Maximum Punishment under the Criminal Law Consolidation Acts of 1861 is Three Years Penal Servitude; showing the Maximum Punishments previously.

Offences for which the Maximum Punishment under the Criminal Law Consolidation Acts of 1861 is Three Years Penal Servitude.	Maximum Punishment previously.
24 & 25 Vict. c. 96.—*Larceny*, &c	
S. 4. Simple larceny (except in cases otherwise provided for) -	2 years imprisonment.
S. 28. Stealing or destroying deeds relating to real property -	7 years penal servitude.
S. 30. Stealing or destroying records, writs, &c. - - -	7 years penal servitude.
S. 31. Stealing glass, woodwork, lead, &c., fixed to any building -	7 years penal servitude.
S. 32. Stealing trees, &c. in pleasure grounds over value of £1 or elsewhere over 5*l.*	2 years imprisonment.
S. 33. Stealing trees, &c. of value of 1*s.*, third offence - -	2 years imprisonment.
S. 36. Stealing fruit in garden, second offence - - -	2 years imprisonment.

Offences for which the Maximum Punishment under the Criminal Law Consolidation Acts of 1861 is Three Years Penal Servitude.	Maximum Punishment previously.
S. 42. Assault with intent to rob (except in cases where a greater punishment is provided, *i.e.*, assaults by persons armed or by two or more).	3 years imprisonment.
S. 45. Demanding money with menaces or by force with intent to steal.	3 years imprisonment.
S. 58. Being found by night armed with intent to break into any house to commit a felony.	3 years imprisonment.
S. 88. Obtaining money, &c. by false pretences - - - -	7 years penal servitude.
S. 90. Inducing persons by fraud to execute valuable securities, &c. -	New.
24 & 25 Vict. c. 97.—*Malicious Injuries to Property.*	
S. 20. Destroying trees, &c. in pleasure ground over value of 1*l.* -	7 years penal servitude.
S. 21. Destroying trees, &c. elsewhere over value of 5*l.* - -	7 years penal servitude.
S. 23. Destroying fruit, &c. in garden, second offence - -	7 years penal servitude.
24 & 25 Vict. c. 98.—*Forgery.*	
S. 32. Forging orders of justices, &c. - - - - - -	New.
24 & 25 Vict. c. 99.—*Coinage Offences.*	
S. 11. Having 3 or more pieces of counterfeit gold or silver coin in possession with intent to utter it.	3 years imprisonment.
24 & 25 Vict. c. 100.—*Offences against the Person.*	
S. 20. Maliciously wounding, or inflicting grievous bodily harm, with or without weapon.	3 years imprisonment.
S. 24. Maliciously administering poison, &c. with intent to injure, aggrieve, or annoy.	3 years imprisonment.
S. 26. Not providing apprentices and servants with food, whereby life is endangered or health permanently injured.	3 years imprisonment.
S. 27. Abandoning or exposing children under two years, whereby life is endangered or health permanently injured.	New.
S. 31. Setting spring guns with intent to destroy, or inflict grievous bodily harm.	Imprisonment
S. 47. Assault occasioning bodily harm - - - - -	Imprisonment
S. 57. Carnally knowing a girl between 10 and 12 years of age -	Imprisonment
S. 59. Supplying or procuring poison or other noxious thing to cause abortion.	New.

REPORT

OF

THE COMMISSIONERS

APPOINTED TO INQUIRE INTO

THE OPERATION OF THE ACTS

(16 & 17 VICT. c. 99. AND 20 & 21 VICT. c. 3.)

RELATING TO

TRANSPORTATION AND PENAL SERVITUDE.

VOL. II.

MINUTES OF EVIDENCE.

Presented to both Houses of Parliament by Command of Her Majesty.

LONDON:
PRINTED BY GEORGE E. EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1863.

6457.

CONTENTS OF VOL. II.

List of Witnesses - - - - - - - -	iii
Minutes of Evidence - - - - - - - -	1
Index to Evidence - - - - - - - -	519

LIST OF WITNESSES.

Date.	Name.	Page.
Feb. 6, 1863	George Everest, Esq.	1
	Major-General Sir Joshua Jebb, K.C.B.	13
	Horatio Waddington, Esq.	30
Feb. 10 ,,	Horatio Waddington, Esq., 2nd examination	39
	Major-General Sir Joshua Jebb, K.C.B., 2nd examination	42
Feb. 13 ,,	Captain Folliott Powell	87
	Mr. Edward Turner	119
Feb. 17 ,,	Sir Richard Mayne, K.C.B.	121
Feb. 20 ,,	Sidney Gurney, Esq.	152
	John Avory, Esq.	155
	The Rev. John Davis	157
	Captain Donatus O'Brien	163
Feb. 24 ,,	Captain Arthur Edward Kennedy	185
	Captain E. F. Du Cane, R.E.	211
	Major H. A. Sanford	215
Feb. 27 ,,	Richard Francis Newland, Esq.	223
	Wm. Augustus Guy, Esq., M.B.	228
	Major H. A. Sanford, Esq., 2nd examination	251
Mar. 3 ,,	Sir Walter Crofton	252
Mar. 6 ,,	Sir Walter Crofton, 2nd examination	286
	Captain I. S. Whitty	311
Mar. 13 ,,	Captain James Mark Gambier	326
	Captain I. S. Whitty, 2nd examination	367
Mar. 17 ,,	Mr. James P. Organ	372
	Rev. John H. Moran	392
	Captain I. S. Whitty, 3rd examination	403
Mar. 20 ,,	Colonel Thomas Holmes Tidy	407
	Dr. Thomas Crawford	407
	Mr. John Smith	409
	Mr. John Weatherhead	423
	Wm. Bayne Ranken, Esq.	432
Mar. 24 ,,	Charles Pennell Measor, Esq.	437
	Mr. James Macdonnell	471
Apr. 21 ,,	Mr. John Evans	478
May 19 ,,	Colonel Edmund Y. W. Henderson, R.E.	493
	The Rev. G. W. Pownall, Dean of Perth, in Western Australia	513

REFORM CLUB
PALL MALL

MINUTES OF EVIDENCE

TAKEN BEFORE

THE COMMISSIONERS APPOINTED TO INQUIRE INTO

THE OPERATION OF

THE ACTS RELATING TO TRANSPORTATION AND PENAL SERVITUDE, &c.

Friday, 6th February 1863.

PRESENT :

Earl GREY.	Mr. HENLEY.
Lord NAAS.	Mr. WADDINGTON.
Lord CRANWORTH.	Mr. RUSSELL GURNEY.
Mr. BOUVERIE.	The O'CONOR DON.
Sir JOHN PAKINGTON.	Mr. CHILDERS.
Mr. WALPOLE.	

EARL GREY IN THE CHAIR.

GEORGE EVEREST, Esq., examined.

G. Everest, Esq.

6 Feb. 1863.

1. (*Mr. Waddington.*) You have been for some years Principal Clerk in the Criminal Department of the Home Office ?—Yes, for 15 years.

2. Were you for many years previously employed in the same department ?—Yes; I have been there for 42 years altogether.

3. You are therefore perfectly cognizant of the various changes that have taken place in the law and practice relating to convicts under sentences of transportation and penal servitude ?—I believe so.

4. All that business has passed under your immediate inspection ?—Entirely.

5. Have you a return of the number of convicts sentenced to transportation and penal servitude during the last 20 years ?—I have.

6. Showing also the number of convicts actually transported ?—Yes. There are also in the same paper two other returns. One of the sentences to penal servitude in Great Britain from 1st July to 31st December 1857 and for each of the five following years ; the other, a similar return as to Ireland, showing also the terms of the sentences (*handing in the same*). App. No. 1 A. B. C.

7. Does the first return extend from the year 1842 to the year 1862, inclusive ?—Yes, it does.

8. I observe that a very large number of offenders were transported during many of the years, but there was also a residue who remained in this country, more or less ?—Always.

9. Sometimes it was small and sometimes very considerable ?—Yes, it varied, but of course there was always a considerable number.

10. Will you give the Commissioners the totals of the whole number during 21 years sentenced to transportation and penal servitude, and

G. Everest, Esq.

6 Feb. 1863.

the total number of those actually transported?—In the year 1842, 4,481 were sentenced, and 4,166 were transported; in 1843, 4,448 were sentenced, and 2,993 were transported; in 1844, 3,651 were sentenced, and 3,279 were transported; in 1845, 3,247 were sentenced, and 2,542 were transported.

11. Be good enough to give the totals?—The general total during the whole of those years is 65,337 sentenced, and 31,415 transported; but that includes some sentences of penal servitude.

12. But those sentences are also, in the eye of the law, sentences of transportation?—Yes.

13. With respect to those who were retained in this country under sentence of transportation, will you state shortly to the Commissioners how they were treated?—They were all of them kept in confinement for certain periods, depending upon the length of their sentences, and at the end of those periods they were discharged with a free pardon.

14. Where were they kept in confinement?—They were formerly kept on board the hulks only, as there were no prisons on shore.

15. In all cases in which a sentence of transportation was not carried out, by the offenders being removed from this country, after a certain time they received a free pardon?—Invariably, except in cases of misconduct, but that very rarely happened.

16. After what period of transportation was the free pardon granted?—In the case of a sentence of seven years, it was at the end of about four years; in the case of a sentence of 14 years, it was at the end of six years; and in cases of transportation for life, after about eight years; those were the old terms.

17. (*Sir J. Pakington.*) You used the words "about four years," was there no definite period?—It was the practice to recommend convicts, under a sentence of seven years, at the end of somewhere about half that time, or something more than three years and a half; four years usually elapsed before they were discharged.

18. Upon what did that depend?—It depended entirely upon the behaviour of the convict. It was the practice to recommend a certain number out of the whole number who were confined, on the ground of good behaviour during the previous three months; they were quarterly recommendations, but the rules upon that subject were not so fixed and defined at that time as they are now.

19. (*Mr. Waddington.*) I see by the return I hold in my hand that the numbers actually transported, in proportion to those who were sentenced to transportation, was much smaller in several of those years?—They were.

20. In the year 1852 was there a very large number of convicts under sentence of transportation remaining in the Government prisons?—I should think there were in round numbers 9,000.

21. You remember, I presume, the passing of the Act of 1853?—Yes.

22. That was, I believe, in consequence of the cessation of transportation to Tasmania?—Yes.

23. The last batch of convicts to Tasmania was sent out in 1852, I believe?—I believe so.

24. (*Mr. Henley.*) The accumulation of 9,000 in the Government prisons in 1852 was in consequence of the decreased transportation of the preceding year?—Yes.

25. (*Mr. Waddington.*) In pursuance of the Act of 1853 a new sentence of penal servitude was introduced?—Yes.

26. And were all the sentences to transportation under 14 years abolished?—Yes, all of them.

27. Under that Act of 1853 the higher sentences of transportation continued to be passed, I believe, until the year 1857 ?—They did.

28. Did transportation, to a limited extent, still continue during those years ?—Yes.

29. That was to Western Australia ?—Yes.

30. The penal servitude men, I believe, were very rarely indeed transported ?—Very rarely.

31. There was some doubt whether the statute was so framed as to enable them to be transported ?—Yes.

32. I believe the law officers were of opinion that it was a doubt of some importance ?—They were.

33. The sentences of penal servitude that were substituted for transportation were considerably shorter, were they not ?—Very much shorter.

34. Shorter than the corresponding sentences for the same offences ?—Yes.

35. Were those sentences carried out in full, or was there a remission by tickets of leave ?—They were carried out in full.

36. The system of tickets of leave was introduced, as we know ; by the Act of 1853 that was made legal, and applied solely to persons under sentences of transportation ?—Yes, certainly.

37. Was it by means of granting tickets of leave or licences that the large number of persons you have mentioned under sentence of transportation were disposed of and released from prison ?—Entirely by tickets of leave.

38. Those tickets of leave were granted, I believe, rather sooner after the expiration of the shorter periods of sentences than pardons had been granted formerly ?—Yes.

39. A man with a sentence of seven years' transportation had his ticket of leave granted to him after three years ?—Yes.

40. And a man under a sentence of 10 years' transportation after what period ?—After four years.

41. And in the case of a sentence of 14 years. after what period ?—After six years.

42. And in the case of a sentence of 15 years ?—After six and a half.

43. And in the case of a sentence of 20 years ?—After eight years.

44. What was the rule with regard to those convicts who were under a sentence of transportation for life ?—The original rule was that the cases for life might be brought forward for consideration at the end of 10 years.

45. Was that the rule before the year 1853 ?—That was the rule before 1857, after the Act of 1853.

46. What had been the previous rule in cases of transportation for life ?—A pardon was usually granted after about eight years.

47. Before the Act of 1853 persons under sentence of transportation for life received a pardon after eight years ?—Yes ; upon the average.

48. Then after the passing of the Act of 1853 the rule was that all sentences might be brought forward for consideration after 10 years ?—Yes ; but that release was not to follow unless the merits of the case justified it.

49. In point of fact, between the years 1853 and 1857, and up to the present time, have the depositions in those cases been invariably sent for, and the case thoroughly investigated ?—Yes.

50. By myself or by Sir George Grey ?—Certainly.

51. The licence to be granted or not after a consideration of the enormity of the case ?—Yes.

52. I believe there are several persons at this moment under sentences

G. Everest, Esq.

6 Feb. 1863.

of transportation for life, which were passed before the year 1853, who have not yet been released?—Yes, there are many.

53. Whose claims have been considered and refused?—Yes, repeatedly.

54. Has that been owing to the enormity of their crimes?—Yes.

55. (*Sir J. Pakington.*) Where are they now?—They are in confinement in the prisons at Chatham, Portsmouth, Portland, and other places.

56. (*Mr. Walpole.*) To a considerable extent they have been kept in prison when the enormity of the offence did not justify a licence being granted?—They have.

57. (*Mr. Waddington.*) Sentences for life since 1853 have not been brought forward?—No.

58. (*Sir J. Pakington.*) Can you give any information as to the period for which such persons have been at this time actually detained, that is to say, how long before 1853 they were sentenced for life?—I am not prepared to give information as to the actual numbers who have been kept for more than 10 years, but I know there are several.

59. Can you state the period of detention of the person who has been longest confined under a life sentence?—A case recently occurred of the release on licence of a man who had been 15 years in confinement.

60. (*Mr. Waddington.*) But several have not been released?—That is so.

61. (*Sir J. Pakington.*) Is that term of 15 years the longest period that you know of?—I doubt whether there are any of longer duration than that.

62. (*Chairman.*) Do you know what the crime was that had been committed in that case?—Murder.

63. Had the man's conduct been good or bad in prison?—It had been good throughout his confinement.

64. (*Mr. Bouverie.*) Is the case brought forward by the officers of the prison where the man is confined?—Yes.

65. (*Sir J. Pakington.*) Is the man to whom you have referred now released?—Yes; he is under a ticket of leave.

66. (*Mr. Waddington.*) There have been no pardons granted since the passing of the Act of 1853?—None.

67. All prisoners when transported or under sentence of penal servitude have been released under licence?—All of them.

68. Between 1853 and 1857 were almost all the convicts released on licence the old transported convicts?—Yes, almost entirely.

69. You have a return, I think, of the large number released on licence in each of those years?—I have (*handing in the same*).

App. No. 1. D.

70. In the year 1857 there was another change of the law, by which transportation was abolished altogether?—Yes.

71. And sentences of penal servitude were extended?—Yes, to the old terms of transportation.

72. And a new sentence of three years' penal servitude was added?—Yes.

73. In carrying out this Act was a new system introduced of granting licences?—Yes.

74. Have you got a copy of Sir George Grey's circular that was addressed by him, he being then the Secretary of State for the Home Department, to all the Judges, Recorders, and the Chairmen of Quarter Sessions?—Yes (*handing in the same*).

App. No. 1. E.

75. Does that correctly describe the provisions of the Act, and the intentions of the Secretary of State as to the nature of the remissions that will be granted in future?—Yes, it does.

76. It is now for the first time that the remissions of sentences are granted to convicts under sentence of penal servitude ?—Yes; for the first time.

77. Has the practice since that been to grant remissions to convicts whose conduct has been reported by the prison authorities to be satisfactory in the exact proportion pointed out in the circular ?—That has been the practice.

78. There has been lately an alteration in that practice, will you be good enough to state what it has been ?—This scale of remission was, in the first instance, applied generally to all convicts, whether they had been previously convicted and previously licensed or not ; but it was determined, I think at the end of 1861, that that scale should not apply to any convicts who had previously been discharged under licence ; and very recently Sir George Grey also determined that no convict sentenced for a second time to penal servitude should be discharged a second time by licence.

79. The first change applied to convicts who were re-convicted while under orders of licence, and the second applied to persons convicted a second time, and sentenced to penal servitude ?—Yes, whether under licence or not.

80. That is the present rule ?—Yes.

81. (*Chairman.*) According to that determination all re-convicted persons of that kind would pass their whole sentence in actual penal servitude ?—Yes, certainly.

82. (*Mr. Walpole.*) When was that last rule established ?—The last part of it recently.

83. You stated that one regulation was made in 1861, was the other in 1862 ?—Yes ; there was a circular issued respecting the latter.

84. (*Sir J. Pakington.*) When was that circular issued ?—About a fortnight ago, I think.

85. Was it as long ago as that ?—I think it was about a fortnight ago.

86. (*Mr. Waddington.*) With respect to persons under long sentences of penal servitude, we have not yet arrived at the time for carrying out the remissions ?—No.

87. They have not yet been brought forward for discharge ?—No.

88. In point of fact the discharge of convicts under the Act of 1857 has only been in operation since the beginning of 1860 ?—Yes.

89. All persons having licences before the beginning of 1860 were the old transported class of convicts ?—Yes.

90. Will you have the goodness to put in evidence a return of the whole number of licences issued since the year 1853 ?—Yes (*handing in the same*) ; the whole number of convicts discharged on licence since 1853 is 14,067. App. No. 1. D.

91. Are you able to say how many of those were discharged before the year 1860 ?—From the year 1853 to the end of the year 1859, 8,653 licences were granted.

92. (*Mr. Bouverie.*) That is, speaking of the operation of the Act of 1853 ?—Yes ; and those men must have been all under sentence of transportation.

93. (*Mr. Waddington.*) I asked you whether there were any of the penal servitude men between 1853 and 1857 discharged under licence, and you answered "No." I omitted to ask you as to a slight change in the rule that was made, I think, after the passing of the Act of 1857 ? —Yes ; it was considerably after that, I think in about 1859 or 1860.

94. About that time I believe that those of the old convicts of 1853, that is, penal servitude convicts who remained in the prisons, when they heard of the new rule that the new convicts were all to have a

G. Everest, Esq.

6 Feb. 1863.

remission of their sentences, became very discontented?—Yes, and something more than that.

95. Was there a serious disturbance in Portland in consequence?—There was.

96. In the year 1858?—Yes.

97. Those men who had to serve out the whole of their sentences considered it a great hardship that the new men having the same sentences were to have a remission?—Yes, that was the ground of the disturbance.

98. It was put down?—Yes.

99. I believe that it did not extend beyond Portland?—The disturbance did not; but the discontent was general.

100. Long after that had been put down, was it thought that there was a certain hardship in carrying out the longest sentences which had been passed in 1853 in full?—Yes, it was so considered.

101. A small remission was granted?—Yes, but a very small remission compared with that which was established under the Act of 1857.

102. I believe that that principally extended to those under long sentences who had been sent to Bermuda and Gibraltar?—Yes.

103. And some few remaining in England?—Yes.

104. The long sentenced men were principally sent to Bermuda and Gibraltar?—Yes.

105. You have already stated the number of licences that have been granted, have you also a return of the number that have been revoked up to the end of 1862?—Yes; and that appears to be 991 from 1853 to 1862.

106. (*Mr. Henley.*) What per-centage is that upon the number granted?—About 1 in 14.

107. Those licences running over a period of several years?—Yes; from 1853 to 1862.

108. What do you think would be the average period that the licences would have to run?—It would be very difficult to estimate that. It depends upon the length of the original sentence in each case.

109. (*Mr. Waddington.*) In the cases of long sentences of transportation the licences would have many years to run, and in the case of short sentences only a few months?—Yes.

110. (*Sir J. Pakington.*) In the latter years of 1860, 1861, and 1862, when the sentences were shorter and the licences much shorter to run, there would be fewer revocations?—Certainly.

111. (*Mr. Waddington.*) When a man is re-convicted during the period of his licence, and sentenced to penal servitude again for a longer time than at first, his licence is not revoked at all?—No.

112. Therefore that does not include persons reconvicted and sentenced for a longer time?—No.

113. That being so, have the sentences under the Act of 1857 been extremely short in comparison with those which were passed before?—Yes; they have been so, evidently.

114. Has there been a very large number of sentences of penal servitude for three years?—Yes; a very large number.

115. Those men sentenced for three years have had licences leaving six months unserved at the end of two years and six months?—Yes.

116. I suppose that the revocations of licences have been smaller in latter years?—Yes, considerably smaller; they have been reduced very much. The revocations in the year 1853 were two; in 1854 they were 20; in 1855, 128; in 1856, 311; in 1857, 239; in 1858, 125; in 1859, 50; in 1860, 29; in 1861, 22; and in 1862, 65.

117. (*Mr. Walpole.*) Taking the end of the year 1859 as the period of the new system, in consequence of the licences being given to those under sentences of penal servitude for the first time, I find that the licences issued at the end of 1859 were 8,653, and the licences revoked were 875 ?—Yes.

118. So that during those periods 875 out of the 991 during the whole 10 years were the licences which had been granted to convicts under the old transportation system ?—Yes.

119. (*Mr. Waddington.*) The subsequent revocation being some of the old sentences of transportation still remaining, and the others the new sentences of penal servitude ?—Yes.

120. But the licences having a much shorter time to run, the revocations would be fewer ?—Yes ; and they have fallen off considerably.

121. Have you a return of the number of licence holders who have been re-convicted and sentenced to penal servitude before the expiration of their licences ?—I have a general return of re-convictions (*handing in the same*). App. No. 1. F.

122. Has that been furnished by the Directors of Convict Prisons ?—It has.

123. What is the number of those who have been re-convicted while holders of licences ?—I do not think there is any item specially applicable to those who were re-convicted during licence.

124. (*Lord Cranworth.*) Were there not a great number of persons convicted being holders of tickets of leave, as to whom it was not known at the time of their conviction that they were holders of tickets of leave ?—I have no doubt that the fact was so.

125. (*Lord Naas.*) That answer, I suppose, applies entirely to England?—Entirely.

126. (*Sir J. Pakington.*) In the event of a convicted person being disposed to conceal the fact that he is the holder of a ticket of leave, is there any other mode of finding it out?—None that I know of.

127. (*Mr. Henley.*) Do all the persons sentenced to penal servitude go to one Government prison in the first instance ?—Not all ; they mostly go to Millbank. Some of them are removed direct into separate confinement at Wakefield or Leicester.

128. What proportion of them go to Millbank ?—By far the largest proportion ; probably 1,500 out of 2,000.

129. (*Mr. Russell Gurney.*) Do they go to Millbank before they go to Pentonville ?—Yes, they are sent there as a general depôt.

130. (*Mr. Henley.*) So that to that extent an opportunity is afforded to the officers of Millbank Prison of recognizing the persons who have previously passed through that prison ?—Certainly.

131. And has that observation been frequently made ?—I believe they are frequently recognized there as having been before sentenced, when the fact was not otherwise known.

132. That would so far appear in the returns you are putting in ; or if they are not recognized before their conviction, are they included in the return ?—Whenever they are recognized the fact is reported to the Home Office.

133. Assuming that in a court before a prisoner was tried no evidence was given, if the officers at Millbank recognized him, the fact would be reported to the Home Office, and he would come under the category of a re-convicted man ?—Yes, certainly.

134. In your opinion, about three-fourths of them pass through Millbank at first ?—Yes, at least that number, if not more.

135. (*Mr. Waddington.*) With respect to the revocations, what has been the rule and the grounds on which licences have been revoked ?

G. Everest, Esq.

6 Feb. 1863.

—The general rule has been to revoke in all cases of conviction for a fresh offence.

136. When a summary conviction for a trifling offence or the sentence of imprisonment did not extend over the period of the original sentence?—Yes. Some few licences have been revoked in cases where there was no conviction for any fresh offence, but those instances have been but rare, and only upon very strong representations as to the holder of the licence being connected with bad characters, and evidently leading a dishonest life.

137. Some having been committed, I think, for fresh offences, and in some cases discharged for want of evidence?—Yes, there have been a few instances of that kind, but it is only where the case is a very strong one that a revocation takes place without an absolute conviction.

138. (*Mr. Russell Gurney.*) Can you give the Commissioners the number of the cases in which there has been revocation without a re-conviction?—I think it is 69.

139. (*Mr. Waddington.*) Out of the 990 that you before gave?—Yes.

140. That is the number that has been revoked without a re-conviction of some sort?—Yes.

141. From the year 1853 to the present time there have always been some persons transported to Western Australia?—Yes, in every year.

142. Does the return put in contain the exact number?—Yes.

143. There is, I believe, at present a considerable demand for convicts for Western Australia. Are you aware, from the shortness of the sentences that have been passed under the Act of 1857, there is very great difficulty in finding them?—Very great difficulty. There is frequently a difficulty in selecting 200 or 300 men for embarkation in a ship.

144. (*Mr. Walpole.*) Can you give any reason for the great increase between 1861 and 1862 in the number of transportations, which is from 306 to 782?—I think it can partly be accounted for in this way: a ship was probably chartered at the end of the year 1861, and did not sail until the commencement of 1862, and therefore the number sent in that ship comes into the latter instead of the former year.

145. (*Mr. Waddington.*) With regard to the number that are sent out, we depend upon the representations of the Colonial Office?—Entirely.

146. We have lately received an intimation that about 1,000 a year could be received conveniently in that colony?—Yes.

147. If the present short sentences continue, shall we be in a situation to send out that number?—Certainly not.

148. I believe that the sentences which do not exceed three and four years are very nearly two thirds of the whole?—Yes, they have been so, and it is so stated in the paper which is here.

149. (*Sir J. Pakington.*) Have you received any information as to how long Western Australia would be willing to receive 1,000 convicts a year?—It was not stated, but I suppose it would be for a considerable period.

150. (*Mr. Waddington.*) Have you looked to the general statistics of crime since the year 1857?—I have.

151. Since the introduction of the new system?—Yes.

152. Was there, in the years 1858 and 1859, and 1860, a considerable diminution both in the number of the persons sentenced to penal servitude and the general convictions?—There was.

153. I mean for indictable offences?—Yes.

154. The diminution regularly increasing in each of those years?—Yes.

155. Both in England and Scotland ?—Yes.

156. In the year 1861 there was a change that took place ?—There was a slight increase as compared with the previous years.

157. Still, I believe, remaining less than in the year 1857 ?—Yes, certainly.

158. In the year 1862 there was a further increase ?—Yes.

159. Both in the number sentenced to penal servitude and the general convictions ?—Yes, in both.

160. Are the numbers correctly stated in the paper which is called "Statistics of Crime in England and Wales, Scotland, and Ireland"?—They are.

161. (*Mr. Bouverie.*) Has that been compiled by you ?—No, it was compiled by Mr. Waddington.

162. Are the data from which that has been compiled taken from the Criminal Statistics ?—Yes.

163. (*Mr. Waddington.*) Do the Criminal Statistics contain an account of the increase in each of the particular counties given for 1861? —Yes.

164. The statistics for 1862 are not yet published ?—I believe not.

165. I see that in one of the papers put in, showing the number of persons sentenced to transportation, and also those actually transported, there are two other returns showing the number sentenced to penal servitude in England, Scotland, and in Ireland ?—Yes.

166. Was the return with reference to Ireland received from the Irish Government ?—It was.

167. The returns for England and Scotland are correct ?—They are.

168. That from Scotland, I presume, was received from the Directors of Scotch prisons ?—It was.

169. There was an increase of crime in England in the years 1861 and 1862, was there a corresponding increase in Scotland in those years ?—It has been nearly stationary in Scotland.

170. Was there an increase of crime in Ireland in 1861 ?—A slight increase.

171. Following, as in England, a considerable diminution in the previous years ?—Yes.

172. There was a diminution, I believe, in Ireland in 1858, 1859, and 1860 ?—There was.

173. And an increase in 1861 ?—Yes.

174. Have you got a general return from Ireland for the year 1862 ? —Not a general return, merely a return of the sentences to penal servitude.

175. Have they increased very largely ?—Yes, much more largely than in England.

176. (*Lord Cranworth.*) The increase in the number of males in Ireland, from 1861 to 1862, appears to be 70 per cent. ?—Yes, it is very large indeed.

177. (*Mr. Waddington.*) In the return from Ireland it is stated that the return is not quite complete ?—Yes, it is.

178. Can you in any way, from your experience of criminal matters, assign any reason for the increase of crime in this country in the years 1861 and 1862 ?—I am really not able to do so; it is very difficult to say to what cause it was attributable.

179. (*Mr. Childers.*) With reference to your last answer, has your attention been called to the circumstance that pauperism had very much increased in the years 1861 and 1862 ?—Yes, I understand that that was so.

G. Everest, Esq.

6 Feb. 1863.

180. It fell off continuously in the three previous years, rose in 1861, and greatly increased in 1862?—I understand that it considerably increased in 1862.

181. Has your attention been drawn to the Emigration Returns?—No.

182. You would probably not be surprised if you found that the number of emigrants steadily increased up to the year 1860, and that it has fallen down since that?—No, I should not be surprised to hear that certainly.

183. Putting these facts together, would they not to a certain extent tend to account for the increase of crime in the years 1861 and 1862?—They may do so.

184. Particularly if that increase went through every class of crime?—Yes.

185. Do not the returns produced show that that increase is almost in the same proportion with respect to all classes of crime?—I cannot say that without knowing what the proportion in the other classes is. It may be in the same proportion.

186. What I mean is that the increase has been not only in the sentences of penal servitude, but also in cases of sentences of imprisonment and of petty fines?—Yes.

187. I think you stated that the Home Office had been informed that Western Australia was now prepared to receive 1,000 convicts per annum, but that there was a great difficulty in finding a sufficient number of persons sentenced to long periods. Is there any condition attached by the government of Western Australia as to the class of convicts to be sent?—Originally the government of Western Australia objected to receive any but men of the better class; but latterly they have given way upon that, and as I understand the matter they are now ready to receive any convicts who can be sent, provided they are under a reasonably long sentence, so that they may be in a condition to labour upon the public work for some time after arriving in the colony.

188. Can you state since when that change of opinion has taken place?—I think that for the last four or five years convicts have been sent out on that principle.

189. (*Mr. Waddington.*) The rule has been not to transport persons who do not receive at least a six years' sentence?—Not under six years as a rule.

190. (*Chairman.*) Was it not supposed that it was not worth while to send a prisoner for a shorter time?—Certainly; because some portion of the sentence must be undergone in separate confinement in this country, and then of course there is some time occupied in the passage, and then there is the remission in the colony, leaving but a small period for labour on the public works.

191. And that had the effect of reducing the punishment to too small a punishment?—Yes.

192. (*Mr. Waddington.*) The remission in the colony is very considerable, is it not?—Yes; a new scale has been adopted by the Colonial Department, under which tickets of leave and conditional pardons are obtained very early.

193. (*Mr. Childers.*) If sentences are continued at their present length what proportion of the 1,000 do you estimate you can conveniently send?—In 1861 there were only 600 convicts above six years sentenced to penal servitude.

194. Can you send the whole of them?—I should think by no means, because there is always a very considerable number who are unfit for transportation.

195. (*Mr. Waddington.*) From age and from ill-health ?—Yes, from physical disqualifications.

196. And, besides, that number includes females also ?—Yes.

197. No females are now sent to Western Australia ?—None.

198. (*Mr. Childers.*) Putting all these considerations together, how many do you think, judging from the present data, could be conveniently sent to Western Australia ?—Bearing in mind that principle, I should think not above 600.

199. (*Mr. Russell Gurney.*) There are the Irish to be aded to that number ?—The number is very small, and none have been transported since 1856.

200. (*Chairman.*) In the resolutions of the Committee of the House of Commons, in 1856, the 15th and 16th resolutions recommend that the conditions endorsed upon the licences which are granted to convicts discharged should be more strictly enforced than theretofore, and also that every convict discharged upon licence should be reported to the police of the town or district to which he was so sent. Has that recommendation been acted upon ?—No ; it has not.

201. Can you inform the Commission why it has not been acted upon ?—I presume it has not been thought expedient to resort to police supervision.

202. (*Lord Cranworth.*) You perhaps do not know how that is in Ireland ?—Not of my own knowledge.

203. (*Sir J. Pakington.*) Has there ever been any formal decision at the Home Office that that recommendation should not be acted upon ? There has been no formal decision of that kind.

204. But it has never been acted upon ?—No.

205. (*Mr. Russell Gurney.*) Neither of the recommendations have been acted upon, the more strict enforcement of the conditions, nor as to the superintendence of the police ?—Neither of them.

206. (*Chairman.*) Is there any organized system in operation by which, when persons are convicted, it is possible to ascertain clearly whether they have been previously convicted or not ?—None whatever; it all depends upon their recognition by the officers of the prison in which they are, or by the police.

207. There is no recognized system for the purpose of tracing their previous careers, and to ascertain whether they have been previously convicted ?—None whatever.

208. (*Mr. Waddington.*) That must depend, must it not, upon the recognition of the individual either by the police or the officers of the prison ?—Yes.

209. (*Chairman.*) There is no system of mutual communication between the chief constables of the different counties and the police in London, so as to trace out the previous career of every man who is brought into a court of justice upon a charge of felony ?—Nothing of the kind.

210. (*Sir J. Pakington.*) Are you aware that there has been great reluctance on the part of prison officers to give any information, on account of the low allowances in cases of prosecution ?—I have heard so.

211. (*Lord Naas.*) Is it not the general opinion that the greater number of persons of that class are re-convicted without detection ?—I have no doubt that a considerable number are re-convicted without detection, but not the greater number.

212. (*Mr. Waddington.*) Has the number of re-convictions increased or diminished of late years, so far as it has come to your knowledge ?—I should say that the number has rather decreased of late.

213. There is a vast number of persons who have been convicted

G. Everest, Esq.

6 Feb. 1863.

several times, and sent to the county gaols before being sentenced to penal servitude ?—That is mostly the case.

214. Are most of the persons sentenced to penal servitude persons who have been convicted twice or three times, and who have suffered imprisonment in the county prisons ?—Yes.

215. After a certain time, the persons who have been convicted and confined in the county prisons are sentenced to penal servitude ?—Yes.

216. (*Lord Naas.*) Can you state whether it has been the tendency of the judges, in the last year or two, to extend their sentences for similar offences in England ?—I am hardly able to say what the general practice in that respect is, but no doubt a more severe sentence is passed in all cases where a previous conviction is proved.

217. I ask you whether it is generally supposed at the Home Office that the judges do now give longer sentences for similar offences than they did two years ago ?—I should say they are passing shorter sentences, looking at the returns.

218. (*Mr. Waddington.*) What was the number of sentences to three years' penal servitude in 1862 ?—The sentences to three years' penal servitude in 1862 were 1,145, and that is more than one-third of the whole number, the total being 3,154.

219. (*Mr. Russell Gurney.*) But then there was a change in the law by which certain offences that could be punished only by imprisonment before were punished by three years' penal servitude ?—There was.

220. (*Sir J. Pakington.*) Has there been at the Home Office any system of classifying the ages of the convicted prisoners ?—Whatever system prevails is carried out in the judicial statistics. There are certain ages given there. That is the only principle which exists in the Home Office that I know of.

221. Do you mean that the Judicial Statistics, as presented to Parliament, would show the ages of convicted prisoners ?—Yes.

222. (*Lord Cranworth.*) You say that when a person who has been the holder of a ticket of leave is re-convicted, you deprive him of the benefit of a remission of his sentence, even although it was not found at the trial that he was a ticket-of-leave holder, and that that is discovered afterwards ?—Yes.

223. Do you give a man under those circumstances any opportunity of controverting the fact ?—No.

224. Do you take an ex parte statement that he is a ticket of leave holder ?—Entirely, and I know of no mistake having been made in this respect.

225. (*Mr. Waddington.*) That is from the officers of the prison where he has been ?—Yes; sometimes it does not transpire until he has arrived in the Government prison, and then when he is found to have been previously sentenced to penal servitude, the fact appears in his case when it is submitted for a licence.

226. (*Lord Naas.*) Could you give a classification of the crimes for which the prisoners who are sentenced to penal servitude are sentenced in each year ?—Such a return could readily be given. I will hand in a return made out in pursuance of an order of the Houses of Lords and Commons in the last Session of Parliament. It was not possible to prepare it at that time, but this is a copy of the return which is now ready for presentation (*the same being handed in*).

App. No. 1. G.

227. (*Mr. Waddington.*) Will you be good enough to look at that paper (*the same being handed to the witness*), and say whether that is a correct list of the persons convicted before Mr. Baron Bramwell, and

App. No. 1. H.

sentenced by him for robberies and assaults upon the person with violence ?—It is. *G. Everest, Esq.*

228. At the Central Criminal Court, in November last ?—Yes. 6 Feb. 1863.

229. Have you examined the names with a view to ascertain how many of them had been previously convicted and sentenced to penal servitude ?—I have.

230. Is the number 27 ?—The total number of persons is 27.

231. How many of those had been sentenced to penal servitude before ?—Four.

232. Of those four how many were ticket-of-leave holders at the time of their conviction ?—Two ; and in the case of the other two the sentences had expired.

233. That return gives the particulars correctly ?—It does.

234. (*Chairman.*) That is, as far as you are aware. Have you had any means of tracing the previous history of those men ; had none of them been previously sentenced under other names ?—That is quite possible ; but this is a correct return so far as is known. It was prepared by the Governor of Newgate.

235. (*Mr. Waddington.*) On comparing the list with your books, you found no such names ?—No.

236. They were not known to the police ?—No ; but persons of this class very often take new names, and that is one of the difficulties in the way of ascertaining their antecedents.

The witness withdrew.

Major-General Sir Joshua Jebb, K.C.B., Surveyor-General of Prisons and Chairman of the Directors, examined. *Major-General Sir J. Jebb, K.C.B.*

237. (*Chairman.*) You were, I believe, examined before the Committees of the House of Commons and House of Lords, in the years 1856 and 1861 ?—In 1856 I was so examined, and in 1861 before the Transportation Committee.

238. You were examined in those years at considerable length, and you gave your opinion very fully upon the principal questions with respect to the punishment of convicts ?—I did.

239. In general has your subsequent experience confirmed you in the opinions you then expressed ?—Generally speaking, it has ; but as circumstances vary, and experience increases, opinions will change, or as fresh openings for disposal occur advantage might be taken of them. I would venture to state that, having been so long connected with prisons generally, and especially with the convict prisons and management, all the changes which have taken place during the last 25 years have come under my supervision.

I have here a memorandum, dated in 1846, upon the convict question, and another, in considerable detail, dated 20th of December 1856. The latter was drawn up after the Committees of the House of Lords and House of Commons had fully investigated the subject. The memorandum refers to " the principal questions which appear to " require consideration with reference to the resolutions of the Select " Committees of the House of Lords and House of Commons on the " convict question generally." There is much in both of these papers which I think will convey information in a definite form to the Commissioners (*the latter being handed in*). App. No. 2.

240. (*Mr. Waddington.*) Have you got returns of the number of licence holders whose licences have been revoked and also of the number

Major-General Sir J. Jebb, K.C.B.

6 Feb. 1863.

re-convicted?—The return for 1861 appears in my report which is just ready for delivery. This is a copy.

241. We have heard of the system under which the licences are granted, but we understand that all the persons recommended for licences are put forward by the Directors of Convict Prisons of whom you are the chairman?—Yes.

242. Will you just state to the Commissioners by what principles you are guided in recommending particular persons for licences?—Each warder in charge of a party is furnished with a book, in which is entered daily the conduct and industry of every individual prisoner. Those books are given weekly to the principal warders who insert the particulars in a *weekly* form, and after being examined by the chief warder, the deputy governor, and other officers, they are finally deposited in the governor's office and entered in a large book called the General Record Book.

243. I believe that the first stage of imprisonment which these persons undergo is separate confinement for nine months?—Yes.

244. And that takes place in Pentonville, in Millbank, and in other prisons hired by the Government?—Yes; Wakefield and Leicester.

245. After the nine months are concluded they are removed to some one of the prisons where public works are going on?—Yes; or to the invalid prison at Dartmoor or Woking in case they are unequal to the labour as invalids.

246. Will you just describe to the Commission the stages which they go through when they arrive at the public works, and before they are recommended for a licence?—The period which remains unexpired of a sentence after a man has undergone his nine months' separate confinement is divided into three portions, and those are called stages.

247. Are they equal portions?—Yes; excepting the first or lowest, which varies with the time passed in separate confinement; but whatever remission a prisoner may gain is deducted from the highest or third stage.

248. (*Sir J. Pakington.*) The three stages cover the whole period of the sentence?—Yes, of the unexpired period.

249. The three stages cover the whole nominal period of the sentence after the separate confinement?—Yes.

250. Does the separate confinement continue for nine months in all cases irrespective of the total amount of the sentence?—Yes; as far as it can be carried out, but exigencies of the service arise which oblige us to infringe even upon that short period of nine months' separate confinement, and it is a great disadvantage. The claims of the Public Works Prisons and of Gibraltar, Bermuda, and Western Australia are greater than the supply. This has partly arisen in consequence of the diminution of the number of convicts sentenced and the remissions of sentences taken together; the consequence is that we are obliged frequently to take men who have been only seven months in separate confinement. The original system of discipline laid down a period of 12 months, which was carried out, and the reduction of the period of separate confinement on which the good conduct of the prisoner in the subsequent stages mainly depends has had a prejudicial effect.

251. (*Chairman.*) You prefer the old period of 12 months?—Yes.

252. (*Sir J. Pakington.*) You say that whatever may be the comparative merits of those different periods, that the present actual period is nine months?—Yes.

253. And subject to the exceptions which you have just referred to, the nine months' imprisonment is equally inflicted, whether the sentence is for three years' penal servitude or for 10?—Yes. The probation

period of separate confinement was always a fixed period, and the employment on the public works was always a period proportioned to the sentence.

254. (*Chairman.*) Was that fixed period of a year originally adopted under the impression that, taking the average of convicts, a year of separate confinement was as much as they could stand?—Sir James Graham, in his instructions to the Commissioners in 1842, when the great experiment in separate confinement was carried out at Pentonville, laid down 18 months as the maximum; but the prisoners who were first sent there were selected from a large number, and the experience gained seemed to indicate that 18 months, as a general rule, was rather too long, if carried out in the strict manner that it was enforced at Pentonville. The consequence was, that when in the year 1848 a system based upon separate confinement as a foundation, followed by associated labour for a proportionate term, was established, 12 months was taken as a maximum, the period of nine months was determined upon afterwards. I do not know upon what considerations, for I was not consulted.

255. But the 12 months in 1848 was fixed upon as the period which, according to the best medical testimony, was as much as, without danger to a man's health, might be commonly imposed?—Yes; my own opinion was that, if we had an average of 12 months, so as to admit of 15 months being carried out in some cases, to be reduced to nine, according to the constitution of a man and the effect of the confinement upon him, it would be a better period than a fixed period of 12 months.

256. If I remember rightly, some of the first, who had been as long as 18 months in prison and were sent afterwards away, were found to be somewhat impaired in their minds?—I think so.

257. (*Sir J. Pakington.*) When were the 12 months reduced to nine?—The period was reduced by Lord Palmerston when he was at the Home Office, in athe year 1853.

258. (*Mr. Walpole.*) Was that done upon any representation that was made to the Home Office?—Not by me. I think it was the governor of Millbank who mentioned it; he had always been against any lengthened period of separate confinement.

259. (*Chairman.*) I presume that the separate confinement is the portion of the sentence that criminals are the most afraid of?—That rather depends upon circumstances. An educated prisoner would much prefer separate confinement, instead of being driven to associate with people of bad character and difference in social position. With burglars or reckless bad characters, I think that separate confinement is dreaded more than any other kind of discipline. It has, however, always appeared to me that different stages and descriptions of discipline tended very much to equalize the punishment, which no one kind of discipline could do. For instance, when the system consisted of separate confinement and associated labour on the public works, combined with transportation, two of those periods out of the three would be distasteful to nearly the whole of the prisoners.

260. (*Mr. Walpole.*) Not the same two punishments?—No.

261. (*Mr. Gurney.*) Will you be good enough to explain what the separate confinement amounts to?—It is strict separation in a cell which has been certified to be fit and proper for the purpose under the 2nd and 3rd of Victoria, chapter 56. At Pentonville they are large spacious cells, 13 feet by 7, and the system is very strictly carried out. Every possible effort is made during that time to improve the character of the prisoner; he receives religious and moral instruction, and industrial training.

Major-General Sir J. Jebb, K.C.B.

6 Feb. 1863.

262. What kind of visits does he receive, and with whom does he associate?—He is visited almost every hour of the day, I think, by somebody. It is the duty of the governor or deputy governor to see him once, and some of the trade instructors and the warder constantly visit him. He dines in his own cell, and most of them exercise together in sight of each other. They also sit in chapel together now; formerly they were completely isolated in the chapel, but the divisions have been removed.

263. Is it not the fact that there is constant communication between the prisoners in the chapel?—No, I think not so much as there was. It is a singular thing that, although there were great pains taken to separate them in chapel, there was more communication between them at that time than at present, when they sit side by side.

264. Still there is a good deal of communication now going on, is there not?—I do not think so. It is a popular idea, but I do not believe it.

265. (*Mr. Waddington.*) When were the fences taken down?—About two years ago.

266. I suppose that was under the direction of the Secretary of State?—Yes.

267. (*Chairman.*) For what reason were the fences taken down?—Experience showed it was necessary. There was a good deal of writing went on, and constant efforts made to communicate with a fellow prisoner, and, moreover, they could not be so well superintended. The first experience that was gained upon the point was at Wakefield, where a large chapel for 600 or 700 prisoners had been fitted up on the plan of separate boxes. It had not been in use for more than two years before the magistrates were satisfied of the evil effects of separation, and the whole of the partitions were removed, the men being brought together on seats.

268. (*Mr. Gurney.*) Is no visit from the friends allowed during the nine months?—Yes; the regulations allow of correspondence after the first three months, and as the different stages are gained by prisoners on public works, they may write a letter once a month, and receive a visit.

269. Do you mean during the nine months?—No; they only see visitors once after the first three months on public works.

270. (*Sir J. Pakington.*) They never see any visitors during the nine months?—Yes, they may receive a visitor after the first six months, when in separate confinement.

271. How much daily exercise is now allowed?—An hour at the least; but the medical officer has always power to interfere to any extent with regard to diet and exercise.

272. Has the plan ever been tried in any of the English prisons of not having the service performed in the chapel at all, but letting the chaplain read from a central position, so that when they opened the doors the prisoners would all hear him?—I do not think it has. It has been tried in Roman Catholic countries. In Belgium, for example, I found that they had built 13 prisons after the model of Pentonville, and an admirable discipline was established. I then observed that there was the means in the centre corridor of carrying on the Roman Catholic service.

273. Are you not aware that that plan has been adopted in some of the American prisons?—Yes, I believe it has, but it is in a very imperfect way.

274. You do not, I think, incline to that?—No; for the prisoners at the extremities of the wings would be too far off to hear anything.

275. (*Mr. Waddington.*) Are they kept furnished with employment during the whole nine months?—Yes; under the 2 & 3 Vict. they cannot be legally kept without it.

276. You are bound to provide them with employment?—Yes.

277. (*Lord Cranworth.*) What sort of employment do they have?—They are employed as weavers, shoemakers, tailors, mat-makers, and such trades as can be carried on in a separate cell of limited dimensions. The prisoners at Pentonville and Millbank weave the cloth and make the clothing and shoes, &c. for the prisoners on all the public works; indeed they carry on a very large trade.

278. (*Lord Naas.*) Is the treatment of the prisoners during those nine months precisely the same in the different jails?—It is exactly the same. We have only two convict prisons, namely, Millbank and Pentonville; they are different in construction, and some little difference is therefore necessary to meet that difference; but the principle of the discipline and arrangements are, as far as possible, the same.

279. Every convict is sent, during the first nine months, either to Millbank or to Pentonville?—All from the southern counties are received at Millbank in the first place; from thence they are drafted to Pentonville as vacancies occur. Those from northern counties are sent to Wakefield and Leicester.

280. Is the mode of treatment at Wakefield and at Pentonville precisely the same?—Yes, as near as possible.

281. (*Sir J. Pakington.*) Is it the same at Leicester?—Yes.

282. (*Lord Cranworth.*) I suppose the mode of treatment includes the diet?—Yes.

283. (*Mr. Henley.*) Do you consider the period of nine months which they undergo in separate confinement to be a more or less reformatory period of the imprisonment?—It is by far the most reformatory period; there is no doubt about it.

284. Having gone through that reformatory period, you bring them into associated labour upon the public works?—Yes.

285. Have you ever considered the system of subjecting the convict to a period of separate confinement after the first nine months, which you say is the most reformatory period, before he is discharged?—That question has been mooted, and it was the opinion of Sir James Graham that it would be a good plan to bring convicts back again into separate confinement in order to finish their period of service. I should not myself incline to that, excepting for a moderate period. A short period of separate confinement might be of advantage before releasing them into the world.

286. (*Sir J. Pakington.*) What would you call a moderate period?—I should say a month or two, not more; but that would depend upon circumstances.

287. (*Mr. Henley.*) What objection would there be to subjecting a man to a longer period than the month or two which you have spoken of?—It perhaps would be difficult to state any precise objection to it. It is perhaps an open question.

288. (*Mr. Walpole.*) Would you have room enough in your prisons to carry that out?—It would be done by the removal of men to separate confinement to fill up the vacancies of others removed to the public works. It might, however, require more prison accommodation.

289. (*Chairman.*) Was it not found that the sudden change from separate confinement to the bustle of the world had a very injurious effect upon the men's minds, and was it not for that reason that the principle of a progressive alleviation of the severity of the sentence was adopted?—That was the case, and it is one reason which leads me to

Major-General Sir J. Jebb, K.C.B.

6 Feb. 1863.

the opinion that the period of separate confinement should be short at the termination of a sentence. I should look to it as giving a man an opportunity for reflecting, and the officers better opportunities for making more close inquiries about his means of obtaining employment afterwards.

290. (*Mr. Henley.*) I believe that now in the later stage of the imprisonment, where hard labour is carried on on the public works, the prisoners associate together, even at their meals?—No. At all our best prisons, namely, those of Portland, Portsmouth, and Chatham, and partly at Dartmoor, they dine in the cells in which they sleep.

291. Even during the last period?—Yes.

292. But they have during their hours of labour the means of association and the power of making acquaintance with those about to be discharged, if they should be disposed to recur again to their evil practices, from having made acquaintance with those who may tempt them to follow their bad example?—This is an evil of all association; but if it is found by experience that a sentence of imprisonment in separate confinement is limited, association becomes necessary, and the only thing that can be done is to take as much care as possible that the association shall be under close superintendence and as well regulated as possible, continuing during the whole time moral and religious instruction, and holding out those motives and encouragements to good conduct which the stages of discipline, the gratuities, and the remissions afford. The fact is that although those men are associated together in parties, they work hard during the day. I do not think any great amount of contamination goes on, but I find from the governors of prisons that the worst period they have to contend against is when the men are at exercise on Sunday. They cannot be exercised singly, but are allowed to walk two and two, or four and four, according to the space. In the opinion of the officers that is the most dangerous time.

293. But whether that be the most dangerous time, more or less, with the other opportunities that they may have, assuming that some prisoners do not benefit so much as you expect from the religious instruction which they receive, still, being discharged fresh from that state of things, they go out into the world prepared to join those companions whom they had been with and carry on again their evil practices?—Yes, undoubtedly.

294. Would not separate confinement for a greater or less period, as it was found desirable, have a great tendency to check that opportunity for doing evil in the present system?—Unless it were carried out for a long period it would hardly, I think, break it up. After two men had been associated together, say at Portland, if they had to endure two months' separate confinement and had any plan to concert, they would settle it before the association ceased.

295. You do not think that the circumstance of undergoing a fresh reformatory process, in separate confinement, might change the evil dispositions of the men; but do you think it would be desirable to have a short portion of separate confinement immediately previous to the discharge, not making it long enough to run the risk of breaking down a man's energy, or to incapacitate him from getting his living when he went out?—No. With regard to men being discharged after long periods of strict separate confinement and going again into the world, serious physical effects resulted in the first instance; when they were embarked in ships, in order to go to Van Diemen's Land, a number of them fell into fits, and it was only by associating them for a fortnight or so before they left Pentonville that those fits ceased on the embarkation.

296. (*Sir J. Pakington.*) How long had those men been in confinement?—For 18 months on an average.

297. (*Chairman.*) The suddenness of the change, I suppose, had that effect?—Yes. The medical man could not account for it, the fits were of an anomalous character.

298. (*Sir J. Pakington.*) What was the nature of the fits?—The Medical Superintendent was in dismay about it, he had never seen anything of the kind before. They were very peculiar.

299. Did the fits affect the health of the men afterwards?—The men got better afterwards; but they were reported to be very quiet. There is reason to believe that the effect was produced by the strictness of the separation. I think, however, that a longer period of discipline might be carried out by diminishing the *absolute* separation towards the close of a sentence and closely watching its effects.

300. (*Chairman.*) If I remember rightly, the opinion of several of the medical men who were consulted at that time was that the suddenness of the change was very objectionable, and that it required gradual relaxation?—Yes, that was the opinion of Sir Benjamin Brodie and Dr. Fergusson, and it was acted upon.

301. (*Mr. Walpole.*) Was not the silent as well as the separate system much more strict then than it is now, and did the convicts see as many persons during the period of the separate confinement?—Yes, I think the discipline was more strictly enforced than it is now; there was a desire to carry it out to the letter.

302. (*Mr. Waddington.*) What was the maximum period that was ever tried at Pentonville?—We were not authorized to carry it out beyond 18 months.

303. Did you not try two years?—I think not. Sometimes it extended to 20 months; but this depended rather upon the time when the ships were going away.

304. (*Mr. Henley.*) You have stated that the fits resulted from the sudden change; have they ever occurred in the nine months?—We have never tried that, but I do not think they would.

305. Have they ever occurred amongst the 12 months' men?—I do not know that they have; it was only upon two or three occasions, when the men, after a long period of confinement at Pentonville, were embarked, that these fits occurred. They did not occur after the men were associated previous to going away.

306. (*Chairman.*) You do not allow the change to be as sudden now as it was formerly?—No, and the period of confinement is not one half.

307. (*Sir J. Pakington.*) Did those fits occur in the cases of men who were not going on board ship?—No, I do not think so.

308. Did I rightly understand you to say that the present practice is that on Sundays the men under separate confinement in fact associate during the period of exercise?—They are in sight of each other, but they march round a ring, about 10 or 15 feet apart, which prevents them from communicating.

309. I thought you stated they walked in threes and fours?—That is at the public works, not while they are in separate confinement.

310. So that in fact, even on Sundays, during the period of exercise, there is no association between the men?—No.

311. Have many of the exercise yards in the separate confinement prisons that contrivance for preventing the men seeing each other?—Originally there were separate yards for separate exercise at Pentonville; but in consequence of the representations made that there was not the opportunity of giving the amount of exercise which would be desirable, two of the separate yards at Pentonville were

Major-General Sir J. Jebb, K.C.B.

6 Feb. 1863.

removed, leaving three others. In this way we were able to give the men much more exercise, and of a more active kind.

312. Are you in the habit of visiting these prisons yourself where separate confinement is carried out, all of them?—Not frequently.

313. You do not go to them?—No; they are superintended by Captain O'Brien.

314. You have not formed an opinion from your own observation of the state of the men in those prisons?—Not recently. As a commissioner of Pentonville I was there almost every day.

315. Do you see these men when they first emerge from the prisons and go to the public works?—Not regularly. I only see them casually among others when I visit the Public Works Prisons.

316. You form your opinion of the condition of these men and the effects of the system upon them from the reports made to you, and not from your own observation?—Yes.

317. (*Chairman.*) But from your own experience formerly when you were a commissioner?—Yes.

318. (*Sir J. Pakington.*) Now that the system has been in operation for some years, is it your opinion that it is desirable to extend the period of nine months to 12 months?—I should prefer it.

319. Do you think that 12 months would be sufficiently long?—Yes, I think so, especially if it were an average. If it were fixed there might be some men whom we should wish to keep for a longer period, and some would not require so long a period.

320. (*Lord Cranworth.*) You would leave it to the governors of the prisons, I presume, to say how long a man should be so kept?—It would depend in some measure upon them, and whether the medical man suggested that it should be diminished. I would not carry it beyond 15 months. If it were laid down that the average should be 12 months the system could be worked to greater advantage. We should, however, require one fourth more of accommodation for the separate confinement.

321. (*Mr. Waddington.*) Do you think that that would be desirable in the case of short sentences of three years?—I do not consider that the system of discipline, as laid down in 1848, was adapted for sentences of three years; those sentences of three years and four years only average about two years and nine months, and they are not adapted for the system laid down in 1848. That system of discipline was framed in connection with transportation, and penal considerations were thrown over altogether. We looked simply to the best mode of reforming the men and fitting them for association, in the first place, and training them for release in the colonies. We certainly had great success. The men who were first sent out to Western Australia were spoken of in the highest terms, and in the other colonies the inhabitants would prefer to have those men to the ordinary emigrants, partly perhaps from their having a little more power over them; but the men behaved well and gave general satisfaction.

322. (*Sir J. Pakington.*) I understand you to have expressed the opinion that the present system, especially of separate confinement, is both penal and reformatory?—I think it is both.

323. Being both penal and reformatory, why is it not desirable to impose that punishment for the short sentences as well as for the long ones?—I do not at all say that it should not be imposed in full for short sentences, but I speak of the subsequent very short period that they would remain on the public works before being released.

324. (*Mr. Waddington.*) Not that it is bad in itself, but that it makes too great an encroachment upon their time?—Yes. Take a

sentence of three years; nine months out of that in separation, and six months for remission, would be 15 months at once out of the three years.

325. (*Sir J. Pakington.*) That would leave a year and nine months on the public works?—Yes.

326. For what reason does that fact lead you to the opinion you have expressed that this system is not applicable to short sentences?—I am speaking now of the general *deterring* effect of a long sentence upon the criminal; for short sentences a much more stringent system of discipline should be applied. The discipline should be intermediate between what I have repeatedly recommended for a county prison and what I should be disposed to recommend for longer sentences of penal servitude.

327. Are you prepared to state to this Commission what more stringent system you would recommend?—I should diminish in those short sentences the period of remission, and not give the men the same amount of gratuities, nor the same advantages in gaining stages of discipline. If I were asked to specify a gradation of sentences, it being understood that sentences to imprisonment would terminate at 18 months, I should say, first, that a severe system of discipline should be carried out during those 18 months, in a county prison; and, secondly, if under a sentence of penal servitude, that nine months might be passed in separate confinement, as at present, but that there should not be the same advantages held out for a short period for another year or a year and a half on the public works as is held out to a man having five or six years to serve. The object would be to make it more deterrent.

328. The only change that you would make, entertaining the opinion you do that the present system is not applicable to short sentences, is that during the time when the separate confinement has ceased, and a man passes to the public works, you would endeavour to make that period somewhat more stringent and penal than it is now?—That is my opinion; but I should advocate a greater difference between sentences of imprisonment in a county prison and sentences of penal servitude. As originally carried out, the shortest sentences of transportation were for a term of seven years. The period I suggested in my memroandum of 1856, which has been delivered in, was five years.

329. (*Chairman.*) As I understand the evidence which you gave before the former Committees, you considered it to be of great importance that prisoners sentenced to penal servitude should feel that the length of their sentences very much depended upon their own conduct?—Yes.

330. But that it was of great importance, with reference to the reformatory effect of the punishment, to enable the officers of the prison to maintain discipline and to enforce industry?—Clearly so.

331. I understand you now to say that under the system of short sentences of three years, and three years and four years, you cannot give a sufficient remission to answer those purposes without unduly diminishing the penality of the sentence?—I think a shorter remission would be sufficient. It is not necessary as an inducement to be so long as is now given. I object, however, altogether to these short sentences to penal servitude.

332. Then would it not, according to your opinion, be better that the sentences should be of the former length, and the remission of the period of actual severe coercion to depend on the man's own conduct, so that he could work his way out of the prison in three years or three years and a half, as before?—The amount of remission always depends upon the man's own conduct; but it is essential, the judge having passed a sentence of penal servitude a part of which was to be remitted,

Major-General Sir J. Jebb, K.C.B.

6 Feb. 1863.

that the *maximum* period he could obtain should be laid down, either by Act of Parliament, or, as it is now, by the Secretary of State.

333. Is it not important, with a view to bringing those motives to bear upon the mind of a man which contribute to his reformation and to the interests of discipline, that the difference between the minimum period which he must pass under coercion, behaving himself well, and the maximum, if he misconducts himself, should be a pretty considerable one?—It depends upon circumstances. I think a shorter remission than we now have would answer the purpose for working discipline. You must understand that it is entirely by their own exertions they obtain the remission of a single day. The whole is regulated by their good conduct and industry; and according to the scale laid down in respect to the limit of the remission, a good man, with a three years' sentence, if he chooses to behave himself properly and to be industrious, gets one-sixth, or so many hours of each day. If he is there for four years he may obtain a larger proportion, and so on.

334. (*Lord Cranworth.*) Do you mean a remission of the actual labour of the day?—No, a remission of the sentence.

335. Is it not the fact that a person sentenced to penal servitude for three years almost invariably gets six months of that period remitted?—Not as a general rule. I think about one half of the convicts obtain the full period; but there are returns here to show exactly what is remitted.

336. (*Lord Naas.*) What is the shortest period that a three years' man has been known to escape with?—A three years' man can obtain six months' remission, a four years' man nine months, and a five years' man 12 months, and so on. I see that we have released 852 convicts on licence from Portland, and the number of persons who have obtained the full period of remission out of those is 482, and of time forfeited of one month and under the number was 313, and so on. In very special and exceptional cases, such as severe accidents, the Secretary of State has granted some small mitigation in addition.

337. How many of them served their whole time?—A very small number. The entire forfeiture was only 67 out of 2,706.

338. (*Sir J. Pakington.*) I understood you to say that only half of the number, up to this time, have been able to obtain the full amount of the remission allowed?—Yes, about one half.

339. Do you include in that number all the various prisons?—Yes, Portland, Portsmouth, Chatham, Dartmoor, and Woking.

340. (*Mr. Henley.*) How is the amount of labour fixed that a man is to perform, and how is his default ascertained?—We do not impose tasks of labour; it is difficult to assign a certain amount of labour as a task. The warders, of course, judge by the industry of the men who are employed under their own observation. Taking Portland as an example, I may mention that every ton of stone sent to the breakwater is weighed, and every stone that is squared and dressed is measured; all is recorded, and the quantity can be ascertained to the greatest nicety. Not only the quantity of work done by so many men, but the value of it, at contract prices, is taken into account.

341. But you stated that each warder daily made a report of the industry of each convict?—Yes.

342. And that upon the report as to the industry of the individual convict solely depended his obtaining a remission. But what means have you, other than the mere opinion of the individual warder, of ascertaining that A. or B., a particular convict, has or has not been industrious in each day?—I have just mentioned the work is all measured, and if any party failed to send down the usual quantity of

stone, say three tons a man, the circumstance would not escape notice by the principal warder, the chief warder, or deputy governor, and it would be ascertained whether or not there had been any neglect on the part of the warder in enforcing industry. He of course forms an opinion, to the best of his judgment, whether a man exerts himself to the utmost, or not. There are prisoners of all classes and trades. Some men are quite incapable of doing one quarter of the work that others are, but if they exert themselves to the utmost they get a mark for industry; they do as much as they can.

343. A failure in the amount of work done by a gang of men is the only circumstance that leads the higher authorities in the prison to look back to see where the fault is?—The parties are constantly visited by the principal warder and the chief warder, and the deputy governor visits regularly, and has opportunities of observing whether the parties exert themselves or not.

344. It may possibly happen that a certain number of tons of stone are prepared by the additional industry of half a gang, while the other half has been idle?—Yes; but if that were the case the others would not allow them to be idle. I may state that there is a wholesome rivalry among the gangs as to the quantity they shall send down, although they get nothing by it.

345. (*Sir J. Pakington.*) Of how many men does a gang consist?—Eight or 10; sometimes 12, 15, or 20. It depends upon the description of work. Some of the men hoist the stones by cranes, and some go on with the blasting and loading, &c.

346. Do you feel full confidence in the means which those warders have of estimating accurately the work done by each man?—Yes; they are generally men of experience and trustworthy; they have been long in the quarries, and it is their duty to do it. If they neglect to do their duty they are liable to be punished.

347. (*Mr. Russell Gurney.*) Are they not liable to be punished in an irregular way if they do perform their duty?—I do not think that the men are afraid to face their duties. I may mention that an investigation was made at Portland within the last week by the governor, the deputy governor, the chief warder, and by nine of the principal warders, and their testimony was unanimous that the prison never was in a better state, the industry of the men was satisfactory, and that the discipline was carried on almost without punishment. At the very date referred to the punishment book was consulted, and there were only two or three slight punishments each day among 1,500 men.

348. I am aware that there have been allegations that the warders are afraid to do their duty; but, irrespective of any such motive of fear, have the warders no other motives for making a favourable return of their gangs?—I do not know whether you would call it a motive, but they do receive a gratuity for the exertions that they make in keeping their men hard at work.

349. What does that gratuity depend upon?—It depends upon their reports, and the quantity of work done.

350. (*Chairman.*) In the case of a warder reporting that the conduct of his gang is good, he would get a larger gratuity than another warder who did not so report?—No, I should think not. If he reported that his gang was not executing all they ought to do, or that particular men were not, that would not affect his gratuity.

351. (*Sir J. Pakington.*) Then what would affect the gratuity, as I understood you that gratuity is the result of a favourable report?—That is a part of the details that I cannot speak to exactly. The gra-

Major-General Sir J. Jebb, K.C.B.

6 Feb. 1863.

tuity depends upon the opinion that the governor and the other officers form as to whether the warder has done his duty or not.

352. But how does the governor judge of that?—From the reports that he receives. The warder brings his report book to the principal warder; the principal warder looks into it, and knows exactly what the gang has done, and he has seen the gang constantly at work. That book is brought to the chief warder, who, if necessary, inquires into particulars; it is then brought by the chief warder under the notice of the deputy governor, and so it goes through as complete a supervision as is possible.

353. How often are those warders' reports sent in?—Every day.

354. How often is a gratuity granted?—Every week, but paid quarterly.

355. What is the amount of the gratuity every week?—There are three classes.

356. Am I correct in the opinion that all these details and system are under your supervision?—To a certain extent they are.

357. (*Mr. Waddington.*) There is one of the directors of prisons whose duty it is to superintend and visit these places?—Yes; one director has the charge of the public works prisons, as Portland and Chatham; and another director of the close prisons, such as Pentonville. Captain O'Brien has the one, and Captain Gambier the other. They have the immediate superintendence of the discipline and all details; they visit as frequently as they can each of those prisons. These officers are responsible for the entire detail, and, acting under the Secretary of State, I have the general superintendence and general duties connected with the whole department, including the works.

358. But I apprehend that all those details upon which the whole system turns are under your supervision?—They are all brought before me.

359. And they are subject also to your regulations?—Yes, as approved by the Secretary of State.

360. If you do not approve of them you are at liberty to alter them, are you not?—No; I cannot alter the regulations of the Secretary of State.

361. But supposing you found that this system upon which I am now examining you, for instance, the warder's gratuities, worked badly, what course should you take?—I should represent it to the Secretary of State, and suggest the alteration.

362. I therefore infer from your not doing it that you think that system works well?—Certainly.

363. Then I wish to know what the nature of the system is, if you think it works well?—I was not aware on what point I should be examined, and I did not therefore bring all the details with me. The gratuities amount, I think, to 2s. 6d., 3s. 6d., and to 4s. or 5s. a week.

364. What do they depend upon?—The apportionment is regulated by the governor, with the approval, when necessary, of the director, according to the class of officers, and to the reports that are made.

365. I understand you to say, that whether or not the warder is to receive his gratuity, be it half a crown or 4s., depends upon his sending in a favourable report of the industry of his gang?—Not exactly; it depends upon his doing his duty. If he sends in an unfavourable report he would be quite as likely to get his gratuity as if it were a favourable one; it all depends upon his doing his duty. I should say that the officer who sent in an unfavourable report would be all the more likely to obtain a gratuity, as it would prove he was anxious to do his duty.

366. Then what is the practical result, that the warders very generally obtain a gratuity, or that they do not?—That I do not know; but Captain Gambier, the director of the public works prisons, will be able to give precise information upon that point.

Major-General Sir J. Jebb, K.C.B.

6 Feb. 1863.

367. Then with regard to the working of these parties or gangs, in the event of any given portion of the gang being very idle and not disposed to work, have you any means of putting compulsion upon those men beyond the negative power of not counting anything in their favour?—They would be punished for idleness as a prison offence.

368. In what way?—They might be confined upon bread and water, and by being deprived of the privileges of their stages. There are many holds upon them; they have to get their classes, their stages, and the badge. A man recorded as idle would lose his stage, and be retarded in his release. The system is an intricate one, and it will be impossible for this Commission to have it fully explained to them by any officer, however experienced. The working of the system cannot possibly be understood without seeing it on the spot. The Commissioners would learn more in an hour by going round the works and looking over the books, seeing how the records were kept, and by whom, and how the officers did their duty, than by any evidence that I or any other officer in the service could give.

369. (*Mr. Waddington.*) Before we leave the question of separate confinement let me ask you this, are there any rewards for good conduct and industry during the stage of separate confinement?—Yes, they are modified, and not so great as on the public works.

370. What is the nature of them, is there any gratuity?—Yes, a small one after the first six months; I think it is 4*d.* a week; it will be found in the regulations.

371. And at the end of six months a man may receive the visits of his friends if he has conducted himself well?—Yes; provided he has a badge of good conduct which he brings with him to the public works.

372. Does his position there in the first stage depend upon his conduct to a certain extent while in solitary confinement?—Yes.

373. (*Sir J. Pakington.*) Do you find practically that separate confinement admits of much variety of conduct?—It cannot admit of any great variety; there are some men who are determined to misbehave, to oppose discipline in all forms, and who will break out violently; but generally speaking they go on steadily, with the exception of industry; they work a little more or less.

374. (*Mr. Waddington.*) I suppose it is industry which principally determines the question whether a man has conducted himself well or not?—Generally so, but this applies more on public works; a man may be submissive, quiet, and respectful, instead of being impudent and intractable. And one may pay more attention to instruction than another; this is more apparent in separate confinement.

375. (*The O'Conor Don.*) During separate confinement the convicts are kept in employment, are they not?—Yes, constantly.

376. Do not you consider that it would be more penal if they were kept in idleness?—It is not legal to withhold work.

377. But suppose it were made legal, would it not be more penal?—No; separate confinement, deprived of employment, is solitary confinement, and solitary confinement cannot be carried out for more than 28 days at a time, nor for more than three periods of 28 days in 12 months. That question was determined after the experiment that was made in America many years ago, which showed that too long a period of solitary confinement invariably resulted in making them insane. There was not enough stimulus to the mind to prevent the most preju-

Major-General Sir J. Jebb, K.C.B.

6 Feb. 1863.

dicial consequences. It is a fact so well ascertained that I cannot conceive such a punishment being made legal. The 2nd & 3rd of Victoria, which authorizes the enforcement of separate confinement, provides, among other carefully considered restrictions, that *employment* shall in all cases be afforded.

378. (*Sir J. Pakington.*) With regard to the diet during separate confinement, how is that regulated, by the regulations of the Secretary of State?—Yes.

379. (*The O'Conor Don.*) It is not by legislation, but merely by a regulation of the Secretary of State?—Yes; but it was determined by the Commissioners at Pentonville after the most minute inquiries and extended experiments, and five years' experience of it was gained by them. Very great care was taken in fixing the diet at Pentonville, and some remarkable facts were disclosed.

380. (*Sir J. Pakington.*) Does it differ much there from the diet at Portland on the public works?—In some respects it does.

381. In what respects; is there the same allowance of meat?—There is rather more meat, I think, on some of the public works, but I can lay the tables of each before the Commission.

382. You stated that there were three stages on the public works; are they equally divided?—Yes.

383. And when they come from separate confinement each of those stages is divided into three classes?—Yes, but I have not the rules by me.

384. When they have got into the first class in each stage, they proceed from that to the next stages?—Yes.

385. They cannot be removed into the stage above unless they have got to the first class in the stage they are in?—It is necessary they should have a "clean badge," as it is termed.

386. Are gratuities given to them in each of those stages, varying in amount in proportion to their industry?—Yes.

387. What is the largest gratuity that can be obtained in the first stage; how much per week?—It is 9*d.* for industry, and 6*d.* for conduct.

388. (*Chairman.*) Do you think that the effect produced upon the minds of the convicts by the hope of obtaining an increased gratuity is as good as by the hope of getting, under certain regulations, a remission of a part of their sentence?—The hope of a remission is undoubtedly the greatest stimulus they can have.

389. Both as to good conduct and as to industry?—Yes.

390. Therefore the passing of long sentences, with the power on the part of the convict to earn a considerable remission of his sentence, is most efficient in your opinion for promoting real industry and good conduct?—No doubt of it; but I would just make this remark, that when you come to long periods of remission, a very serious question arises, whether the men shall be discharged with tickets of leave, or whether they shall be perfectly free.

391. As I understand the answers which you have given to the questions already asked as to the record of industry, the manner in which the system acts is rather in the nature of a forfeiture for misconduct than of credit for good conduct?—It is an increment which the man gains each day. It might almost be taken either way. Suppose that a man does not gain any remission unless he has "V. G." put against his name, meaning very good conduct and very good industry, in that way he gains his day. By continuing to gain "V. G." daily, he gains his week, and then his month, when it is recorded in the governor's books, showing that he has gained so much towards his

remission. All this is also recorded upon the badge he wears. The machinery of classification badges and stages is apparently complicated, but it is well understood by the men.

Major-General Sir J. Jebb, K.C.B.

6 Feb. 1863.

392. But there is no arrangement for making the actual amount of work done directly affect the amount of credit gained ?—No, it would be difficult to do that ; for example, we may get a navvy and a London watchmaker in the same gang, and you could not impose any amount of labour that would bring those two together on the same footing as to industry; what might be mere child's play to one would involve the most desperate exertion to the other. The plan of tasking the men has been often thought of, but rejected. If a gang were tasked to finish so many tons in a day, which has been tried in Bermuda, they might by exertion, or accidental favourable conditions of work, complete their task at three or four o'clock, and would want to go home, whereas the others must stop till five. It would derange the whole proceeding and system of carrying on public works. If they have sufficient inducement and encouragement to work, and the authorities have a sufficient motive power to put before them to influence their conduct and industry, the system will work more evenly and satisfactorily.

393. Would it be impracticable to divide the men into gangs, according to their strength, so as to put the men of the same strength together, and then to give them credit for industry according to the amount of work actually performed, and so to give them a more direct interest in industry ?—Another element comes in there, for we must look to the moral effect of bringing certain men together. If all the weak men were placed together in one party, and all the strong men in another, we perhaps might have a very strange medley, as regards the moral condition of the parties. It is considered by experienced officers better not to make a special selection solely on physical strength. Of course for particular work, such as very heavy quarrying, or the moving heavy timber, a strong party would be selected, or one would be formed for the purpose of executing that work. Special qualifications for work are not disregarded, however. Strong navvies, or people accustomed to do hard work, may be thus selected ; but for the general work, such as that at Portland, the parties are taken indiscriminately in regard to strength, without much selection.

394. (*Mr. Russell Gurney.*) Are the gangs now arranged according to the moral qualities of the men ?—Not to any great extent, but still there are certain considerations which afford an opportunity of selection ; for example, men who it is known would be mischievous if they were in the same gang with others are taken out of that gang.

395. Are the mischievous people put all together ?—No. I think if we began to classify the men by moral considerations, we should inevitably stamp one class as being worse than the others. This would be fatal if carried out in the same prison.

396. If they are not taken from moral considerations, why not according to their strength, as the Chairman suggested ?—It would increase our difficulties to do so.

397. (*Lord Cranworth.*) Suppose you had got a class of strong men and a class of weak men, then the difficulty would be great in saying what was to be the comparative credit they were to derive from the mark of V.G. ?—Yes; but practically the weakly men are entered for special work in the prison, that is to say, for washing, cooking, and cleaning, tailors and shoemakers, and various little services of that kind not requiring any great strength. If a man is verging on an invalid, he is put to light labour also.

398. (*Mr. Walpole.*) Taking your own illustration of the navvy and

Major-General Sir J. Jebb, K.C.B.

6 Feb. 1863.

the watchmaker, both being at Portland, how does the warder so regulate the conduct, or his inspection and supervision of the conduct of those men, as to say when he shall put the letters V.G. to each of those men?—He sees that the men are doing their best.

399. It is in his judgment and discretion alone?—Yes; but there are so many inducements in the classification and the stages to remission, that the men will not risk the loss of a mark, or having a bad one put against his name.

400. (*Chairman.*) Then it appears to be as I said before, that this system of remission is rather a forfeiture for misconduct than a reward for good conduct; if every increase of labour performed should increase the amount of credit gained towards a remission of their sentence, and if the practical difficulties could be got over it would be a more effectual system?—I think it might, but in working a large body of men many difficulties occur; the work is not the only thing, it is the conduct.

401. At present are the records of conduct and industry separate?—Yes.

402. And the period of a man's discharge depends upon the combined effect of the credit gained under those two heads?—Yes.

403. Speaking now of the record of industry only, is it not possible to contrive a system by which that record should be rather of a positive character than of a negative character, as it is at present?—It might be done, perhaps, but it would be difficult to do justice between the men. There might be many more mistakes made in fixing what really a man should do, than there would be in saying that he was exerting himself. If the warder, for example, had ordered five or six men to hoist a stone, he would see whether they were doing it with zeal and industry.

404. We all know, with regard to free labourers who are paid by the day, and with whom you can only find fault for not exerting themselves, that practically they perform a very much less amount of labour than those who are paid by the job; will not the same thing apply to convicts?—Not quite; we have had such a difficulty in task work because it must be done in gangs, and some of them would finish their tasks at an early period of the day. Practically I think we have gone into as much minutiæ as we can, and if the Commissioners were to see the books, and the mode in which they are kept, I think they would be of that opinion. It would only multiply the returns without a corresponding effect.

405. (*Lord Cranworth.*) Might you not, without extending the period of remission, if they worked very well and performed a large amount of labour, give them a larger gratuity?—They get a larger gratuity as they are promoted for good conduct into the higher stages.

406. (*Mr. Russell Gurney.*) Is it not the plan to give every criminal credit for the whole amount of remission at first, and when there is not V.G. to his name to deduct from it?—The way in which it is done is this: when we see V.G. through the week, we know that he has got his badge clear for the week, and he has, therefore, gained the proportion of remission belonging to that week, and retains it, unless subsequently forfeited.

407. Do not you begin when a man comes to serve three years of penal servitude by giving him credit for six months' remission?—No; it stands in the notice that he is eligible for that.

408. I thought you began by giving a prisoner credit for the six months?—Well, it may be taken practically to be so; the deductions are made for want of good conduct and industry, or the credit is given for good conduct and industry. It is almost a distinction without a difference.

409. (*Mr. Walpole.*) Have you had any means of ascertaining whether the ticket-of-leave men who have had their sentences revoked have had a greater or smaller number of marks given to them when they were in confinement?—No, I have not. *Major-General Sir J. Jebb, K.C.B.* 6 Feb. 1863.

410. Are there any means of ascertaining that fact?—Yes; we could refer to the books to see how they stood; but many of those who have relapsed have been forced back into crime by circumstances.

411. (*Sir J. Pakington.*) In those cases in which you revoke a licence is a man brought back into prison under the old sentence?—He is brought back by the warrant of the police magistrate, Mr. Hall, at Bow Street, and he is taken back to the prison from which he was released. That course is compulsory under the Act of 1853, but there is a provision in the Act of 1857 which allows him to be sent to any other prison. Recently I have addressed a letter to the Secretary of State, stating that I should prefer men who have their licences revoked being sent to Millbank Prison, there to begin the routine of discipline again.

412. They are brought back into prison for the remainder of their sentence?—Yes, and they receive no further remission.

413. (*Mr. Russell Gurney.*) Up to this time I believe they have not begun to undergo separate confinement over again?—No; it was thought that the circumstance of a man being brought back to prison would have a repressive effect upon the others. They would see what the man had brought upon himself by misconduct.

414. (*Mr. Waddington.*) The men whose licences have been revoked would have a very short portion of the original sentence to undergo?—Yes; but in the case of the 8,000 convicts released under the Act of 1853 who were under sentence of transportation at the time they had very long periods unexpired.

415. You would not put these under separate confinement again?—I should prefer taking them to Millbank, especially since the discussion that has occurred out of doors, for they bring all the news with them into the prisons to which they have been sent. If they were sent to Millbank that would not be the case, because they would be in separate confinement.

416 (*Sir J. Pakington.*) Have you reason to think that the circumstance of men coming back to prison under these circumstances has not a repressing effect upon the other prisoners?—I think it is possible that it may have had a repressing effect to see him in his convict clothes again after having been once liberated; I however think it is better for the present short periods to bring them back to Millbank into separate confinement.

417. (*Mr. Waddington.*) If there was but a short period of his sentence remaining the effect would not be very great, would it?—It is to prevent the inconvenience of their bringing in all the news of the day.

418. Suppose there were only two or three months of a man's sentence remaining to be served, the effect would not be very great, would it?—No, and so far a man might disregard the forfeiture of his licence.

419. (*Chairman.*) Is not what you have stated a great inconvenience in the system of tickets of leave, when men are discharged with others, a very small part of the original sentence remaining not served out?—The remission which they have gained has worked well in obtaining for them credit for good conduct and industry during their period of confinement; but as far as regards the proceedings out

Major-General Sir J. Jebb, K.C.B.

6 Feb. 1863.

of doors, those are matters that the Convict Department cannot take account of.

420. We have been told that there has been no attempt made in consequence of the resolutions passed by the Committee of the House of Commons in 1856, to enforce more strictly the conditions endorsed upon the back of the licence?—There is, I believe, great difficulty in taking measures for enforcing the conditions, but that is a question for the Secretary of State to determine. All I can do is to recommend the men under the regulations laid down for my guidance; with revoking the licences I have nothing to do. The question has been before several succeeding Secretaries of State, and the practice has been, that unless some misdemeanor, or crime, or act of vagrancy had been committed, not to act upon the simple *ipse dixit* of a policeman and revoke his licence. That view might possibly have derived strength from the consideration that the tickets of leave, in the first instance, were applied to the mass of men that were on the hands of the Government, under sentences of seven, 10, and 15 years' transportation previously to the year 1853, when the colony refused any longer to receive convicts. The sentences of seven years were then commuted to three years, of 10 years were commuted to four years, &c. The consequence was, that, of the men so released on ticket of leave, some had four years to run, others had six years or eight years, &c., to run. It was a very serious thing to revoke the licence of a man and bring him back into six years' confinement for perhaps a very trifling offence. I cannot, of course, say what the reasons were, but it was always my view that unless some crime were proved against a man, to bring him in for six years' confinement was a subject for serious consideration. Great hardships were endured as it was.

421. Was there any reason why, when a man was remanded back into custody for misconduct, he should be necessarily remitted for the whole time that was unexpired. That was not the practice in the colony, for if a ticket-of-leave man misconducted himself he was remanded into custody, but it might be for only one month, or two months, or two years?—Mr. Waddington can better answer that question.

422. You never remand a man now into custody upon the report that he is frequenting public houses and associating with bad characters?—I think that only 69 cases, out of the large number that have been released, have been revoked without some crime being proved against them, that is, without a conviction.

423. Nor do you attempt to forbid them from going into towns?—No, that was once thought of; but it is entirely with the Secretary of State.

The witness withdrew.

H. Waddington, Esq.

HORATIO WADDINGTON, Esq., examined.

424. (*Chairman.*) Will you have the goodness to explain to the Commissioners the reasons which have prevented the recommendations made by the Committee of the House of Commons in 1856 as to the holders of tickets of leave in England from being adopted?—I think that the first recommendation was, that more stringent measures should be adopted to enforce the conditions upon the ticket of leave. And the next point is with reference to the question which seems to be in your Lordship's mind, why the tickets of leave were not revoked upon the reports of the police that the parties were associating with bad characters.

425. The 15th resolution was, "That to render this system of "tickets of leave adapted both for the reformation of offenders and the "interests of the public, the conditions endorsed upon the tickets of "leave ought to be enforced more strictly than appears to have been "hitherto the case," and the 16th was, "That every convict on his "release with a ticket of leave ought to be reported to the police of the "town or district to which he is sent."—With respect to the first the conditions referred to were that the licence should be revoked whenever a party should be convicted, and a conviction should not be necessary. If he was reported to be misconducting himself and associating with bad characters, that in that case it would also be liable to be revoked. The conditions are these: "1. The power of revoking or altering the "licence of a convict will most certainly be exercised in case of his mis-"conduct.—2. If, therefore, he wishes to retain the privilege which, by "his good behaviour under penal discipline, he has obtained, he "must prove by his subsequent conduct that he is really worthy "of Her Majesty's clemency.—3. To produce a forfeiture of the licence "it is by no means necessary that the holder should be convicted of "any new offence. If he associates with notoriously bad characters, "leads an idle and dissolute life, or has no visible means of obtaining "an honest livelihood, &c. it will be assumed that he is about to "relapse into crime, and he will be at once apprehended and re-com-"mitted to prison under his original sentence." Now, with reference to the first condition, No. 2., that has always been most stringently carried out, it is impossible to carry that out more stringently, but with respect to associating with notoriously bad characters, and leading an idle and dissolute life, the licence has not been, as the Commissioners have heard, generally revoked upon a mere report of the police that such was the case; of course the decision in those cases has not been mine, that has been the course pursued by a series of Secretaries of State; but my notion of the reason is this, that they have considered that it would be very hard indeed to send a man back to a prison upon a mere ex parte statement of the police, with no means of investigating the matter upon which the man might be called and be heard. The revocation of a licence is a much severer sentence than almost any sentence that can be passed by a magistrate upon a summary conviction. The law which enables licences to be granted did not provide for any investigation before a magistrate or for any way in which a prisoner could be heard upon an allegation as to his subsequent bad character, and the absence of any such provision has, I think, been the cause of the Secretaries of State declining to enforce that condition upon a mere *ex parte* report of the police, excepting in the few cases of which you have heard in which the evidence has been so strong of repeated misconduct, corroborated by magistrates generally, as well as by repeated police reports, that it has been thought it might be acted upon even without any formal hearing at which the prisoner could defend himself. There are no means of inquiring before the magistrate under whose warrant a prisoner is apprehended, as he cannot be apprehended until a revocation of the ticket of leave is decided upon. The words of the Act are, that when it is determined to revoke a licence the magistrate is to issue his warrant for the convict's apprehension, and when he is identified he is at once to commit him to prison; but the Act provides for no inquiry, and it appears to me that if the system is to be continued it is desirable that some means should be provided by which there should be a formal decision of the magistrate upon the nature of the misconduct imputed to a prisoner, for the truth is, that a mere assertion that a prisoner is associating with bad characters, or

H. Waddington Esq.

6 Feb. 1863.

H. Waddington, Esq.

6 Feb. 1863.

leading an idle and dissolute life is easily made, and the Commissioners are quite aware that the law with respect to reputed thieves and persons who are misconducting themselves in this country is very stringent, and it is hardly possible that a prisoner can be so misconducting himself for any length of time without bringing himself within the provisions of the Vagrant Act, in which case there would be a conviction. When a reputed thief frequents a public thoroughfare, with the intention of committing a felony, he is liable to a conviction under the Vagrant Act.

426. (*Lord Cranworth.*) Upon those convictions taking place the tickets of leave would be revoked?—Yes.

427. (*Chairman.*) Then you do not require a man holding a ticket of leave to confine himself to some particular part of the country, and away from the great towns?—No; there has never been such a case. In life sentences, when very heinous crimes have been committed, it was thought that to let an offender return, when his licence was granted, to the very neighbourhood where the crime had been committed, might have a bad effect; and therefore the licences have been granted in such a way as to exclude him from those particular counties. I believe that that is always done in life sentences, where the offence has been of a very heinous nature, but there has been no general regulation like that of excluding convicts in general from the large towns.

428. Especially, not from London?—No.

429. I suppose that would have been difficult in this country, on account of the difficulty that men would find in obtaining employment?—Yes, it would be difficult, no doubt; but the general reason upon which they were allowed to go where they pleased was, that it was supposed they would be by far the best judges as to where they could obtain employment. It was also supposed that, in the case of hardened offenders, the sending them to any particular place would be of little use, as they would be sure to change the scene of their operations almost immediately.

430. Have you never attempted to compel them to report themselves periodically to the police?—Never; it has always been thought, and that is my opinion, that if a system of surveillance of individuals by the police is to be introduced into this country, it ought to be done by Act of Parliament. I confess that I should be very sorry to be a party to introducing it without such an Act; it has never been heard of in this country before.

431. Is there not a great distinction between those who have been convicted of offences and sentenced to punishment, and are only by the mercy of the Crown at large, and those who are unconvicted of crime?—Yes, undoubtedly there is a great distinction between them; but, even with respect to those latter persons, it would be an entirely new principle, for the men who were pardoned under the mercy of the Crown were never subjected to any surveillance.

432. But for a long time ticket of leave holders in the colonies have been always subject to strict surveillance on the part of the police, and is there, in point of fact, any difficulty in applying the same principle to them in one place and in another?—It was always considered that the difference was very great between introducing the system into England and into colonies that were originally penal settlements; however, that could be very easily provided for by an Act of Parliament, as is done in France. The surveillance of the police over criminals in France is by virtue of a law which specially directs it to be part of their sentence.

433. But, in point of fact, the Crown has complete power in this

country, because the Act imposes no conditions as to the revocations of licences. It rests entirely upon the discretion of the Ministers of the Crown, and therefore they may lay down such rules as they may think right for the exercise of that discretion?—No question of that; but the exercise of it is not mentioned, and it was thought undesirable to exercise it in that particular way. If it had been done in one case, it must have been done in the cases of all. If done in London, and not in the rest of the country, you would drive the London licensed men into the country.

434. But that principle has been acted upon, as I understand, in Ireland?—Yes, except in Dublin.

435. (*Sir J. Pakington.*) I understand you to say that your dislike of the principle of surveillance by the police is so strong that even where a man enjoys his liberty, on condition of submitting to it, he being a man who has violated the laws of his country, you would not exercise it?—I did not say that my objection was so strong. I was regarding it only as a measure of the Executive, and not as being introduced by an Act of Parliament.

436. You would not, under the circumstances, exercise the surveillance of the police?—I would not exercise it, certainly.

437. That surveillance being one of the conditions imposed by the Secretary of State, subject to which alone these criminals enjoy their liberty?—No; the condition of surveillance is not imposed by the Secretary of State.

438. The terms of the conditions are: "If he associates with notoriously bad characters, leads an idle and dissolute life, or has no visible means of obtaining an honest livelihood, &c., it will be assumed that he is about to relapse into crime, and he will be at once apprehended, and re-committed to prison under his original sentence." How would you carry out that condition?—It would depend entirely upon what reports the Secretary of State chose to act upon, and what extent of evidence he might require. It would be very difficult indeed to carry it out.

439. Is it not the natural mode to do so by the action of the police?—That would give it a much larger extension.

440. Is not the practical result of the course that is taken that these conditions are a dead letter?—Certainly not. The second condition is, to a certain extent, a dead letter, but the first has been largely acted upon. No doubt, if these men had been put under the surveillance of the police, and police reports of that nature had been acted upon, there would have been more revocations. They have not been extremely numerous, but there have been many cases in which reports of that sort have been acted upon, and in others the party has been cautioned; and instead of his licence being revoked, when such reports have been made, he has been recommended to take great care how he conducted himself in future.

441. This condition, "If he associates with notoriously bad characters, leads an idle and dissolute life, or has no visible means of obtaining an honest livelihood, &c." was laid down by one of the Secretaries of State of this country?—Certainly, by Lord Palmerston when the licences were first granted.

442. But that has not been acted upon by Sir George Grey?—Only in a few instances.

443. Are the Commissioners to understand that the reason why that has not been acted upon is the dislike to the surveillance of the police to which you have referred?—I presume so. I have always considered that the reason was, not only the dislike of the surveillance, but a

H. Waddington, Esq.

6 Feb. 1863.

dislike to act upon an *ex parte* statement where there could be no hearing of the case, and a man heard in his defence.

444. It is, therefore, in point of fact, a useless condition?—Except as to the points I have referred to.

445. In answer to Earl Grey, with reference to the first condition, that in case of a man being convicted of any new offence, the licence should be revoked, you stated I think that that had been invariably acted upon?—I think so, unless it was a very long sentence or the conviction was for some very trifling affair, such as a fine for drunkenness.

446. Have there not been several cases in which men have been confined under two concurrent sentences of penal servitude?—No, not under two concurrent sentences of penal servitude, but there have been many cases where a second sentence of penal servitude has been passed during the first sentence of transportation, when the long sentences of transportation were passed; for instance, in the case of a sentence of transportation for 14 years, a man would have a licence at the end of six years, there would then be eight years of his sentence remaining, and if three years afterwards he was convicted again, and sentenced to three or four years penal servitude, the sentence of transportation would be longer.

447. I presume, from what you have stated as to not carrying out the second condition, that the 16th resolution of the House of Commons Committee, that "Every convict, on his release with a ticket of "leave, ought to be reported to the police of the town or district to "which he is sent," has been systematically disregarded?—Yes, I think so. I am not aware that it was ever acted upon except in some cases of licences granted to men under life sentences, where they petitioned very strongly to be returned to the county in which the crime had been committed; in which case the chief constable of the police has been consulted as to whether he thought that might safely be done.

448. (*Mr. Childers.*) That condition has been carried out in Ireland, except in Dublin?—Yes.

449. (*Sir J. Pakington.*) Would it be impossible to organize any system which, without interfering with the means of a man to earn an honest livelihood, might afford the public some better protection from that class of persons, so as to give some effect to the conditions referred to?—That is a very serious question, as to how far the putting released convicts under the surveillance of the police would be advantageous to them or to the public. That question has been discussed in France, and I believe the result has been that such a system has not been found advantageous either to the convicts or to the public at large; that it tends to form them into a separate class, distinguished from the rest of society, and that, after a certain time, when they become known as belonging to that class, and are watched by the police, no one will employ them, and they are driven back again into crime.

450. (*Lord Naas.*) Are they marked in France in any way?—They used to be marked with F, that is *Forçat.*

451. Do they wear some particular badge which shows the public that they are convicts?—No, they do not, I think, wear any particular clothes, they are confined to particular districts, and they are obliged to show themselves to the police frequently.

452. (*Chairman.*) They have also a different coloured passport?—Yes. Then in England where they would go about just as they pleased, probably the surveillance of the police would be of very little effect in keeping them to any particular place, and the only hold that you could have over them would be a revocation of their licence.

453. (*Sir J. Pakington.*) Do not you think that the more free they are to commit fresh crime the more likely they are to become members of a separate class?—No; if free to commit crime they would be free to obtain a livelihood in other places. I would suppose them to have been reformed to a certain extent while in prison, and then I think they would do better by not being put under the surveillance of the police.

454. (*Lord Cranworth.*) What is it proposed that they should do when they report themselves to the police?—That I cannot tell except I suppose that what was meant by the resolution of the Committee was that whenever a batch of ticket-of-leave men was released it should be ascertained where they were going, and the police informed in every town or village that they might expect such a person who was about to be released on licence.

455. (*Lord Naas.*) In the absence of any supervision of the ticket-of-leave men, it is impossible, is it not, that an accurate knowledge of what those men are actually doing can come to the knowledge of the authorities?—I believe that when they go back to the places from whence they came, without any orders from the Home Office, the police generally find them out, and I fancy they are pretty well known.

456. I mean that the Home Office receives no account of the course of life pursued by the ticket-of-leave men who are at large throughout the country?—None, unless it is specially called for. We have, in consequence of complaints being made from different places, called for such a statement, and we have been surprised to find that the police could furnish it so fully as they have.

457. Do the police throughout the country know where these men are?—Yes, certainly. It is their duty to watch all old offenders, whether they are under licence or not, to a certain extent, not by surveillance and interfering with their personal liberty, but to watch their movements and actions. That, I believe, has been considered at the Home Office sufficient. These men are, of course, placed in the same situation as men who have served their sentences.

458. These men, of course, know perfectly well that they are to a certain extent under the supervision of the police?—Yes, I hope so. They ought to be in fear of the police; and that applies equally to all persons who have been convicted and confined in the county prisons.

459. As the system works in England, it depends very much, does it not, upon the vigilance of the police, whether these men are under their surveillance or not?—Undoubtedly. Certainly there are no special orders upon the subject, they are left to the general law and the general superintendence which the police exercise over all notorious criminals.

460. In some parts of the country they are well watched, and in other parts of the country they may not be watched at all?—I should hope that they are well watched everywhere.

461. (*Mr. Walpole.*) Is there not in the Judicial Statistics laid before Parliament every year generally some account or report of the number of known thieves, receivers of stolen goods, prostitutes, and vagrants, and is not that information procured from the police?—Yes. The police, in every county and borough under the Act of Parliament, the 19th and 20th of Victoria, were called upon for the first time to give a full account of all the offences committed, and also an account of all notorious characters.

462. Will you just refer to the year 1861, and see whether there is not a report of some 116,115 under different heads there mentioned?—Yes.

H. Waddington, Esq.

6 Feb. 1863.

463. (*Lord Cranworth.*) You have stated that in France convicts are marked with the letter F.—They used to be branded with the letter F on the shoulder for "*Forçat.*"

464. Do you know how that was done ?—It was done by a red-hot iron, and it was called the *flétrissure*, and it was part of the sentence.

465. What objection could there be, if it could be done without barbarity, to a person sentenced to penal servitude having on some part of his body a mark that should indicate it ?—That would be a mode of insuring recognition certainly, if it was thought wise or advisable to introduce parts of the old French system ; but there has been a feeling against it in this country, whether right or wrong.

466. A deserter is now always marked with the letter D ?—Yes, I fancy that the French convicts used to resort to the most extraordinary means to get rid of those marks, and they would endure almost any amount of pain to eradicate them.

467. (*Sir J. Pakington.*) I wish to ask you whether in your opinion the limit of the proportion of the sentence to be undergone to 12 years in the case of a sentence for life is not disproportionately small ?—The rule as to that is, that persons under such a sentence are not to be brought forward from the convict prisons for remission until after the expiration of 12 years, and no doubt, in many cases, if a licence were then granted, the remission would be vastly too small. I have no reason to suppose that it will be so acted upon. Of course you are aware that at present none of the convicts sentenced under the Act of 1853 to penal servitude for life have yet been brought forward, and cannot be for two years more ; but I have not any reason to suppose that the remainder of their sentences will be also, as a matter of course, remitted after that period. You are aware also that sentences of penal servitude for life are passed for crimes of very different gravity ; for sometimes it happens that a person is sentenced to penal servitude for life for a trifling offence, because he has been frequently convicted of previous offences. I have known sentences to penal servitude passed merely for larceny, the offender having been convicted three or four times before that for larceny. That frequently happens. In some other cases, such as burglaries without violence, 12 years must be considered sufficient ; but in cases of manslaughter, amounting almost to murder, and burglaries attended with violence, and highway robberies attended with violence, and cutting and wounding with intent to murder, which is no longer a capital offence, I have no idea whatever that there will be any remission for a very long period indeed.

468. (*Chairman.*) Is it not rather inconvenient that these sentences for life should have been passed upon men of the former description ?—It is rather to be regretted sometimes.

469. If sentences for a definite number of years were passed upon those persons you would know better how to deal with them ?—Yes ; it was frequently the practice to pass sentences of transportation for life upon such persons in order to get rid of them, and give them, as it was thought, a better chance in the colony.

470. (*Sir J. Pakington.*) I concur with you to this extent, that offences for which the guilty parties are sentenced to penal servitude for life vary in degree, just as the offences visited with any other sentence vary in degree, but I think you will concur in this, that generally speaking, it is only for offences of a very serious character and of great magnitude that the guilty parties are sentenced by our courts to either transportatian or penal servitude for life ?—Certainly ; that is generally so, with the exception of those slight offences which by the accumulation of previous offences are supposed to justify such a

sentence. In those cases the offence for which the sentence is passed may not have been of a very serious nature. *H. Waddington, Esq.*

6 Feb. 1863.

471. But in those cases where the sentence is the result of accumulated crimes, is it consistent with your experience that penal servitude for life is enforced where the offences themselves were of a slight character?—Yes, I have known such cases, but not often.

472. The rule in our courts of justice, I believe, is that penal servitude for life is regarded as practically the most severe sentence that can be passed for ordinary crimes, and is only inflicted in cases of an aggravated nature?—Certainly; I think that that is more the rule now than it used to be; I have not known in the last three or four years of any case in which a man has been sentenced to penal servitude for life for a trifling offence.

473. You have stated that 12 years are the shortest time at the end of which the case of a convict may be brought forward for consideration with a view to a remission?—Yes.

474. I apprehend that those words apply equally to all the other periods of remission which are specified in the scale, they are each and all of them respectively the shortest periods after which a case of remission can be entertained?—No, for the shorter periods a man is considered absolutely entitled to remission if his conduct in prison has been such as to justify his being brought forward; but in life sentences no good conduct will entitle him to it; in life sentences the merits of the case are always considered.

475. Even upon the footing that you have now put it, which is certainly not the public impression, let me ask you whether, considering the gravity of the crimes which are generally visited with that sentence, you do not think that 12 years is rather a short time at the expiration of which it is right to consider the possibility of a remission?—I should not say so; I think that they vary so very much that we should be quite able, when the time comes, and when those sentences are brought forward, to distinguish the really bad cases from the others, and 12 years imprisonment is a very severe punishment.

476. A sentence of 20 years is not an uncommon sentence in our courts?—It is not a common one, but there are some passed every year.

477. I find it laid down in the scale I have before me, that for 15 years and upwards, two thirds of the whole time must be served before remission may take place; consequently, in the case of a convict sentenced to 20 years, his claim to remission could not be considered until he had been confined upwards of 13 years; is not that so?—We have had none of them brought under our notice.

478. But this scale has been placed before the Commissioners for their information, and under a sentence of 15 years and upwards two-thirds of the time must be served, and I apprehend, therefore, under that scale, that a convict must undergo 13 years imprisonment and some months before he would have a claim to remission, in the event of his being sentenced to 20 years?—I really do not know exactly, for we have never had occasion to act upon that, but I should imagine that the men sentenced to 20 years transportation were brought forward after eight years.

479. I ask you whether it is not obvious according to the scale submitted to the Commission for their information, that a man who has been sentenced to 20 years is to the extent of upwards of a year worse off than a man who is sentenced to penal servitude for life?—No; because in the case of a sentence of 20 years, supposing this to be adhered to, he would then be entitled to his discharge, without any

H. Waddington, Esq.

6 Feb. 1863.

investigation of the merits; whereas a man under sentence for life has no right at the end of 12 years to more than an investigation into the merits of his case.

480. Is it not practically the same in every one of these cases, as we have heard to-day from Sir Joshua Jebb, that this period of remission is to be the result of good conduct and therefore whether the remission is to be conceded or not would depend upon an examination into the man's conduct?—Yes; except in the life cases, the life cases were always kept for special consideration.

481. Where every case depends upon the conduct of the individual, how do you draw the line with regard to special consideration?—It is a consideration of the merits of the case, the depositions are examined into as to the original crime; the life cases depend upon the nature of the crime, the other cases which are lighter sentences depend entirely upon the conduct of the party.

482. Where is that laid down?—That is so in the notice to the criminals.

483. (*Lord Cranworth.*) Is it not the practice now that no persons are sentenced to penal servitude for life except for crimes attended with violence, crimes that were until a year or two ago capital?—Not quite; I have known some sentences in very bad cases of forgery.

484. (*Chairman.*) Is it not rather a defect in the present law referring to those very bad offences that you have spoken of, such as manslaughter, amounting almost to murder, if not quite so, that there is no means now of punishing a man sentenced to penal servitude for life, except by keeping him under very severe coercion upon the public works, or discharging him altogether, and would it not be desirable, after a certain time, that a man of that sort should be relieved from perhaps the most painful part of his sentence, but should never be allowed to come back into society as before?—There are some cases of that sort in which it is most undesirable to restore the parties to society in this country. There are cases now of a gang of men who extorted money from a gentleman under the threat of accusing him of an unnatural offence, and who were sentenced to transportation for life; they have been serving now a great many years, I believe 12 or 13 years, and, rather than release them in this country, I think it would be desirable to transport them even at this period of time.

485. (*Sir J. Pakington.*) Where are they now?—They are employed upon the different public works.

486. (*Chairman.*) Is not that precisely the class of persons whom it is most objectionable to send to any colony?—Yes, it is, and as they are young men, they would have been transported long ago if it had not been for that consideration. I think, with reference to the whole of this question, that anything that is decided upon should be done by legislation, as it would be far more satisfactory than leaving it to the executive.

The witness withdrew.

Adjourned to Tuesday next, at 12 o'clock.

REFORM CLUB PALL MALL

Tuesday, 10th February 1863.

PRESENT :

Earl GREY.	Mr. HENLEY.
Lord NAAS.	Mr. WADDINGTON.
Lord CRANWORTH.	Mr. RUSSELL GURNEY.
Mr. BOUVERIE.	The O'CONOR DON.
Sir JOHN PAKINGTON.	Mr. CHILDERS.
Mr. WALPOLE.	

EARL GREY IN THE CHAIR.

HORATIO WADDINGTON, Esq., further examined.

H. Waddington, Esq.
10 Feb. 1863.

487. (*Sir J. Pakington.*) In the course of the statement that you made to the Commission at our last meeting, you said, I think, that the invariable rule was to revoke the tickets of leave in all cases of re-conviction for crime ?—Certainly ; I did not mean to say absolutely invariably, but unless the time remaining is so extremely short that it is not considered worth while to send them back to one of the convict prisons.

488. Do you remember a communication being made to the Home Office from Mr. Davenport Hill, the recorder of Birmingham, with reference to the case of a man of the name of Wotton, who was shot during the commission of a very daring burglary ?—I think I remember that there was some communication of that sort.

489. I will refresh your recollection by reading to you the words of Mr. Davenport Hill, who wrote to state that this well-known burglar had returned to Birmingham, and he desired the police to look into the case, and into the man's mode of life, and he says, "I received, as regards Thomas Wotton, the following information. Went to work at Nottingham ; he states he came to Birmingham at the suggestion of the Nottingham police. He has always borne (since known to the Birmingham police) a bad character, and keeps company of thieves, and has again taken to thieving." The report from which I cite this passage is made upon the testimony of Inspector Glossop, Sub-Inspector Tandy, and Police-Sergeant Manton. I transmitted the document to the Home Secretary; but he informed me he was of opinion that it did not show sufficient reason to revoke the licences of any of these convicts. I presume that the communication referred to more than to Wotton, but do you recollect that case ?—I do not, but I can easily find the papers.

490. Assuming that statement to be correct of Mr. Davenport Hill's, does not that show that in reality the revoking of a licence on a man relapsing into crime is not strictly carried out ?—Your question was as to revoking a licence on a conviction. It would show that it was not the universal rule to revoke a licence upon information received from the police that a party was misconducting himself and was likely to relapse into crime. As I understand you there was no conviction in those cases.

491. That leads me to infer that the practice of the Home Office is that nothing short of a conviction by a jury would lead to a revocation of a licence ?—Not a conviction by a jury only ; a summary conviction by a magistrate is, I think, the more frequent ground.

492. Will you be good enough to explain to the Commission what is the system under which this branch of the public business is carried on at the Home Office; who is responsible for any such cases as those referred to ?—The Secretary of State.

H. Waddington, Esq.

10 Feb. 1863.

493. Do you mean that every case, such as that which I have referred to, by the system of the Home Office is brought under the personal notice of the Secretary of State?—I do not mean to say that every possible case is, but where there is a clear and obvious case of revocation, in the case of a man who has been re-convicted of a serious offence with a considerable portion of his licence still to run, I should probably endorse "revoke licence," and without sending it on to the Secretary of State; but in any case where there was a doubt I should not do so.

494. Is there any special department of the Home Office which is devoted to this kind of business?—Yes, the Criminal Department.

495. Any such case would come first under the notice of that department?—It would first come under the notice of Mr. Everest, who has the custody of all the papers, and then under my notice, if I happen to be in London. I am not always in London at my post, although I am very generally there; but if I was not in London then it would come before my colleague.

496. When you say that it would first come under the notice of that department, to what do you refer, to cases of re-conviction, or both to cases of re-conviction and to such cases as I have just called your attention to?—I refer to all criminal cases.

497. And to all reports referring to the criminal business of the country?—To every one.

498. Have you any system at the Home Office by which every case of re-conviction or misconduct on the part of a person holding a ticket of leave in any part of England would be brought to the knowledge of the Home Office?—No; it might be brought under the notice of the Home Office by a report from some person who was cognizant of the fact.

499. Have you any security that all such cases will be so reported?—Not the slightest.

500. Then it rests entirely upon the discretion of the public officers who are concerned in the different cases?—Yes, or with individuals.

501. Has any public notice ever been issued to all such officers, including the chiefs of the police, stating that the Home Office desires to have reports made upon such cases?—Never, that I am aware of; I have no recollection of any such notice.

502. Then it is left to chance, and to the discretion of individuals?—It is left to the discretion of individuals.

503. (*Mr. Henley.*) Is there any order that you are aware of by which the police are instructed to give information to the prison authorities for the discovery of any man known to be a ticket-of-leave man; for example, suppose the police apprehend prisoner A, and upon searching him they find upon his person a ticket of leave, he is carried before a magistrate as a convict, or he is committed for trial, and the present records, being "those from which the judicial statistics are "prepared," with reference to re-committals of persons who have previously offended, is there any authority or direction given by the Home Office to the various police bodies to put the authorities in possession of the fact that a man has been discovered to be a ticket-of-leave man, or a discharged convict?—I am not aware that there has been any such authority or direction. It has been assumed, I suppose, that the police would do that as a matter of course, but there has been no order issued in my recollection.

504. Would it not be very beneficial, considering the means by which the judicial statistics are made up, that the police should be directed in all cases to give information to the authorities of a prison that they have discovered anything with reference to a man being either a dis-

charged convict or a ticket-of-leave man?—I think it would be very desirable, and I have no reason to doubt that they do so as a matter of duty; it would be naturally considered as a part of their duty, and I think it would be extremely proper to remind them of that.

505. Suppose that a police constable takes a man before the petty sessions, and that this fact appears in evidence that he has found a ticket of leave upon him, or something that informs him that he is a discharged convict, how does it become part of the policeman's duty to make any communication of that fact to the prison authorities?—I should imagine that he would think it necessary to let them know that the man had been previously a convict, and under sentence of penal servitude.

506. (*Sir J. Pakington.*) Is there any nominal list kept at the Home Office of the persons being holders of tickets of leave?—Yes, and the fact can be ascertained at any moment from the books.

507. Is there a list kept?—I am not sure that there is such a list kept up, but I know that it can be ascertained in a moment, and the papers relating to each person referred to and produced.

508. Have any means been adopted in order to communicate to the prison authorities generally a knowledge of who are and who are not holders of tickets of leave?—No; no list has ever been sent to the various prisons.

509. Nothing has ever been done to facilitate the discovery, on the part of the prison authorities, whether any man is or is not a holder of a ticket of leave?—Nothing.

510. (*Mr. Childers.*) When a convict receives a ticket of leave, is the fact reported to the district in which he committed the offence?—No.

511. So that it is nobody's duty to find out the whereabouts of a convict who is the holder of a ticket of leave?—It is nobody's duty as founded upon any information given from the Home Office; but the police would perform that part of their duty according to the instructions of the chief constable and the magistrates.

512. That is if they happen casually to know of his existence in their district?—Certainly, not from any express information that is furnished.

513. (*Mr. Walpole.*) I think you stated, in answer to Sir John Pakington, that no instructions were sent to the place to which a fresh convict going out upon a licence was about to go, that he was upon the point of proceeding thither; I would ask you whether as a matter of practice inquiries are or are not made as to the places to which he is to go, and whether he will be received by his friends, or whether some inquiry of that kind is likely to be made?—Yes; before he receives his ticket of leave the prison authorities and, I believe, the chaplains, have a considerable correspondence, in order to ascertain whether any persons are likely to employ him, and whether they will do so. He names the persons whom he expects will give him employment, and the chaplain then communicates with them, and ascertains as well as he can the truth of the statement made.

514. Are not portions of the gratuities which they have earned while under prison discipline paid to them at the time when they arrive at the place to which they proceed, and other portions of those gratuities paid, say a few weeks or months afterwards, so that some knowledge in that way is obtained of the whereabouts of the convicts?—The second instalment of the gratuities is never paid except upon the certificate of a magistrate, or of a clergyman, or some person of respectability, to the effect that the convict has conducted himself well, so far

H. Waddington, Esq.

10 Feb. 1863.

as they know. Up to that time, therefore, no doubt the fact of his being in that neighbourhood cannot be kept secret altogether; it may not, however, be known to the police, although I have no doubt that it is so known in 99 cases out of 100.

515. There are means of knowing, by means of the certificate, that for a certain time the holder of a ticket of leave has conducted himself, as far as the parties know, properly while he has been on leave?—Yes, and if he applies for his gratuity he cannot receive the second instalment without a certificate.

516. (*Mr. Russell Gurney.*) What proportion of these men do not obtain their second instalments?—I cannot exactly say, but that can easily be ascertained. I may mention that in London the gratuities have been for a long time paid through the police, I think since the year 1857, and consequently those who apply for their second instalment of the gratuities must present themselves at some of the police stations and give an account of themselves.

Major-General Sir J. Jebb, K.C.B.

Major-General Sir JOSHUA JEBB, K.C.B., further examined.

517. (*Mr. Waddington.*) What has been the practice in the convict prisons with reference to the inquiry made as to the probability of a convict obtaining employment upon his discharge?—The convict is questioned, some weeks previously to the period when he becomes eligible for release on licence, as to what prospect he has himself of employment, and the chaplain then refers to the person whom he indicates, and upon a reply being received the course is taken of sending the man to the place where he hopes to obtain employment.

518. I believe that shortly after the passing of the Act of 1853, when the licence system first commenced, the Secretary of State objected to grant licences to persons who had not a good prospect of obtaining employment?—It was proposed at first that no convict should be released until he had obtained employment, and that decision was arrived at in order to follow out the practice that Earl Grey had established in the colonies, as to no man being released until he had obtained employment for at least 12 months. If he failed in obtaining employment, he was then employed at wages by the Government upon such works as might be useful in the colony.

519. Was it found that, if that practice were followed out, many persons would be kept in prison for a very long period after the usual period for granting a licence had expired?—I represented to the Secretary of State that I did not think it was just to detain a prisoner longer in prison in consequence of benevolent people out of doors failing to afford him employment. I think it was in the year 1855 that the Secretary of State desired that those who could not obtain a distinct offer of employment should be released in the same way that the others were.

520. Has that been the practice since that time?—Yes.

521. Has there lately been a society established in London called the Prisoners' Aid Society?—Yes, and it was established on the plan originally commenced in Birmingham.

522. When was that society first established in London?—It was established about five or six years ago.

523. Have you been in constant communication, since its establishment, with members of that society, with a view to obtaining situations for prisoners?—Yes, constantly; and the society is in direct communication with all the governors and chaplains of the public works prisons.

524. I suppose it is left to the option of a prisoner himself whether he will apply to the society or not?—Entirely so. They very generally appreciate the advantage of obtaining employment through the aid of the society, (or the means of emigration). *Major-General Sir J. Jebb, K.C.B.* 10 Feb. 1863.

525. Do you know that many convicts have obtained either employment or the means of emigration through the aid of that society?—I saw a report very recently that had been drawn up to the present date, and which, I think, gives about 2,800 as the number that they have assisted altogether; and of those, 820 males, or about 6 per cent., on the total number released, have emigrated. The number of convicts released within the period referred to has been 12,691.

526. What is the practice as to the gratuities due to the prisoners who apply to the Prisoners' Aid Society?—The gratuities are paid in, with the consent of the prisoner, to the Prisoners' Aid Society, and they apply the funds for the benefit of the prisoner, either in paying, sometimes a weekly sum to support him until he obtains employment, or to assist him in addition to the wages he may earn, or to enable him to emigrate.

527. They have the entire disposal of the gratuities?—Yes, but they endeavour as far as possible to follow out the principle that has been laid down, of paying by instalments, which ensures a certain amount of supervision.

528. Supposing all holders of licences were immediately put under the surveillance and supervision of the police, do you think it would assist them in procuring employment, or the contrary?—Quite the contrary.

529. Will you be good enough to give, shortly, your reasons for entertaining that opinion?—It very frequently happens that, either through the representations of the chaplain or through the representations of the Prisoners' Aid Society, benevolent masters will employ a convict, but if the workmen find out that that man is a convict, he is quite certain to be dismissed. Many instances have come within my own personal knowledge of the hardships experienced by ticket-of-leave men under those circumstances.

530. (*Lord Cranworth.*) You refer to the fellow workmen of such a man?—Yes.

531. (*Mr. Waddington.*) If it had been a very serious offence of which he had been convicted, it might become the duty of the police, might it not in some cases, so to act as to prevent him from obtaining employment?—Certainly, or warn the employer that they had such a man. Many instances of that kind have occurred, but where any direct interference occurs, with regard to obtaining employment, the master is always informed fully.

532. Do you produce certain returns which you wish to lay before the Commissioners, one with reference to the number of male convicts released on licence who have returned to the convict prisons, either by having their licences revoked or by re-conviction, giving the number in each year who have actually received licences, and the year of their subsequent conviction or revocation?—I put in those returns, with a description of each. One is a return of the number of male convicts released under orders of licence, in each year, from October 1853, to December 1861, showing the number returned to the convict prisons, either by having had their licences revoked for trifling offences, or being sentenced to penal servitude or transportation. The number licensed is placed in the first column for the year 1853, in which year it commenced. There were 335 men licensed; one licence was App. No. 3. E.

Major-General Sir J. Jebb, K.C.B.

10 Feb. 1863.

revoked in 1853; seven licences were revoked in 1854, and so on, and 10 men were re-convicted. The total is 39 out of 335.

533. That is up to the end of 1861?—Yes, but the last conviction of those released in 1853 was in 1857.

534. But it gives the particular of every year up to the end of 1861?—Yes.

535. Some of these, I presume, would be old transportation licences, some of which would be very long periods?—Yes, under the old Transportation Act the remissions were for five or six years. We had 8,000 men on hand at the time of the passing of the Act of 1853. I would call your attention to a part of this return, which refers rather to the question you asked me just now, as to the effect, not perhaps of police supervision altogether, but the effect of the outcry against ticket-of-leave men, and the per-centage of men re-convicted. In 1854, when we released 1,895 men, the number re-convicted was 9·6 per cent. The outcry against the granting of tickets of leave was made at that time, and the re-convictions rose in 1856 to 17·2 per cent., showing clearly that the effect of branding those out of doors, and making them a class to be avoided, had the effect of driving them into crime by the loss of any means of employment. That is the construction I put upon so remarkable an increase.

536. Have you a return respecting the number of persons who have been discharged on licences, showing those who have been discharged after the usual time, and others who have been detained longer in con-

App. No. 3. M.

sequence of misconduct in prison?—Yes, I will hand that in. No. 13 Return shows the amount of remission of sentence granted or withheld in the cases of 2,706 convicts released on licence between 1st January 1860 and August 1862, showing that 1,406 gained the whole period authorized by the Secretary of State; that the remainder forfeited various periods extending from one month and under to the entire time; but that of these 790 had regained by subsequent good conduct a proportion of the time forfeited.

537. What proportion of the whole had served out the whole period?—Out of 2,706 only 67 forfeited the entire time.

538. Will you just explain to the Commission what you mean by recovering their lost time?—The rule laid down in respect to that was based upon the principle that if a man in the earlier period of his servitude forfeited, say five or six weeks of his time, and subsequently conducted himself properly on the public works, he should not be deprived of the opportunity of regaining, by good conduct, a portion of that period. An accurate record is kept, and when a man has been six months clear of the defaulter's book, he is eligible to have any forfeiture re-considered, and it is re-considered, and remitted from time to time by the director who visits the prison; He has not, however, the power of remitting more than three-fourths of it in the whole, so that a man never regains the whole period, although he may regain a portion. The principle works well.

539. You have read these returns from the report of 1861; have

App. No. 3.

you got them separately?—Yes, I have put them in separately with an explanatory statement, and other returns which contain full information on all the points referred to.

540. To refer to the diet of the prisoners, when was the present diet at Portland established by the Secretary of State?—The present diet was established, I think, in 1849 or 1850. There were several changes. I may explain that in the first instance, as the diet for the public works prisons had not been experimented upon in the way that it had been at

Pentonville and Millbank, we had no experience, except the rough experience gained at the hulks.

541. The public works prison at Portland was established in 1848?—Yes. I consulted Dr. Baly and the best authorities to whom I had access for an opinion as to the minimum quantity of diet sufficient for a public works prison, considering that the men were working in the open air, and had hard work to perform.

542. Dr. Baly, I believe, was the medical superintendent at Millbank?—Yes, and a diet was established; but no sooner had we commenced to work the men in the quarries than it became quite apparent to the authorities on the spot, both the medical man and the governor, that the diet was insufficient to support the health and strength of the men.

543. (*Chairman.*) When was the original diet established?—The original diet was established on the first commencement of the prison in November, 1848. The first communication that I received was on the 1st of January 1849.

544. You are speaking now of the diet as it was fixed in November 1848?—Yes, I am speaking of that first, and that it was represented to be insufficient.

545. (*Sir J. Pakington.*) By whom?—By the medical officers and the governor.

546. (*Mr. Waddington.*) Who was the governor at that time?—Captain Whitty; he is now the Director of the Irish Convict Prisons, a most experienced and excellent governor. He is one of the best officers we ever had. Even as early as the 1st of January 1849, the diet having been in use from the previous November, Captain Whitty wrote to me thus: "I beg to represent that, besides the many applications "for an increased allowance of food, made to you personally by the "prisoners on your visit to the prison on Friday last, the 30th ult., the "subject is continually forced on my consideration by the representa- "tions which they make to me of the insufficiency of the food for men "employed daily during the ordinary working hours at the heavy "labour which they are here engaged in. Perhaps I could not better "explain the question than by stating the first that I heard of it. A "prisoner engaged with others in quarrying and breaking up large "rocks to level the yards, asked leave to speak to me, and stated that "he wished to represent that he did not get enough food. I asked "him if he had not got the prison allowance. He replied that he had, "but that, though such might be, he thought, enough for a man doing "tailor's work in separate confinement, it would not enable a man to "continue long handling for a day's work such a thing (a large sledge "hammer) as he then held in his hand. I am, of course, unable to "form a judgment on medical grounds as to the quantity of food that "may be necessary to keep a man up to the continued performance of "a fair day's labour, or quarryman's work, in the open air; but I "venture to express an opinion on what I consider to be a practical "view of the case, with reference to the objects of the establishment, "and these objects I shortly enumerate as—1st, punishment as part of "the prisoner's sentence; 2nd, the present and future welfare of the "prisoner; 3rd, productive labour by the prisoners on public works. "Anything that would effect one or two of these objects to the "hindrance of the rest must of course be considered as an inconsis- "tency, and in this point of view it appears to me that the question of "a sufficient allowance of food for the prisoners is a vital one as regards "the success of this establishment, for it is evident that short allow- "ances of food can form no part of the punishment in this prison,

Major-General Sir J. Jebb, K.C.B.

10 Feb. 1863.

" without risk of clashing with the prisoner's fitness for future labour " on his own account, as well as the productiveness of his labour " here." That was the letter I received from Captain Whitty, The original scale of diet was as follows: on Sunday, Tuesday, Thursday, and Saturday, one pint of cocoa made with $\frac{3}{4}$ of an ounce of cocoa, $\frac{3}{4}$ of an ounce of molasses, 8 ounces of bread; dinner, 4 ounces of cooked meat, without bone, one pound of potatoes, 8 ounces of bread; supper, one pint of oatmeal gruel, 8 ounces of bread. Monday, Wednesday, and Friday: breakfast, one pint of cocoa as above, 8 ounces of bread; dinner, one pint of soup, one pound of potatoes, 8 ounces of bread; supper, one pint of gruel, as above. The gruel on alternate days to be sweetened with molasses, and salted with salt on other days.

547. (*Chairman.*) Are you now speaking of the original diet that was represented to be insufficient?—Yes; then they proposed a diet table which gave for breakfast one pint of tea made with one-sixth of an ounce of tea on alternate days, sweetened with three-fourths of an ounce of raw sugar, with one pint of cocoa made from three-fourths of an ounce of cocoa, and three-quarters of an ounce of molasses, and two ounces of milk daily; twelve ounces of bread for dinner, six ounces of cooked meat without bone, one pound of potatoes, six ounces of bread; for supper, one pint of oatmeal gruel, six ounces of bread; on Mondays, Wednesdays, and Fridays, for dinner, one pint of soup, one pound of potatoes, six ounces of bread.

548. (*Lord Cranworth.*) The difference being four ounces of bread?—Yes, for four days in the week; the dinner instead of being four ounces of cooked meat without bone, was six ounces of cooked meat without bone, with one pint of soup, one pound of potatoes, and six ounces of bread. In the former diet they got a pint of soup, one pound of potatoes, and eight ounces of bread, for three days in the week, now they get both, and two ounces more meat, but the bread was diminished by two ounces in each case; they got soup every day, and the supper was one pint of oatmeal gruel and six ounces of bread.

549. (*Mr. Waddington.*) This proposed diet was approved by the Secretary of State?—You approved of the diet. In a letter dated the 13th of January 1849, you stated, "Having received and submitted " for the consideration of Sir George Grey Lieutenant-Colonel Jebb's " letter of the 8th instant, recommending an increase to the diet of the " convicts under sentence of transportation in the Portland convict " prison, I am directed to acquaint you that Sir George Grey approves " of the diet for these transports being increased to the scale suggested " by Dr. Henderson."

550. That was in the year 1849?—Your letter is dated the 13th of January 1849, and there was further correspondence the following April.

551. Was there a subsequent complaint from Captain Whitty that this diet was also insufficient?—There was a subsequent letter, dated 8th of October 1850, by Dr. Houghton, who had succeeded Dr. Henderson, in which he states, "In compliance with your letter of the " 6th instant, requesting me to give a medical opinion if I consider " the present daily allowance of food sufficient for hard-working men " in the quarries; second, if I could propose any alteration in the " distribution of the present daily allowance to each prisoner. On a " careful examination of the present scale of diet, I find the chief " error consists in the preparation and cooking of the meat, &c. I " find there is daily from 100 to 120 pounds weight of bone removed " from the meat, which, if prepared by means of a 'Papin's Digester,'

" would be dissolved and converted into a highly nutritious soup, con- *Major-General*
" taining all the gelatine from the bone, and fibrine, &c., from the *Sir J. Jebb, K.C.B.*
" meat, which two ingredients form chiefly the blood and muscle of
" the human body. I would recommend the daily allowance of meat 10 Feb. 1863.
" to be made into soup, with the usual proportion of vegetables, the
" bones being dissolved in a 'Papin's Digester' the day previous to
" use. I would recommend the bread to be made of wheaten flour
" before it is deprived of its whole natural portion of bran, as it is a
" well-known physiological fact that men can do a hard day's work
" better on brown bread than on white; the former gives tone and
" energy to the nerves and muscles of the stomach and the other
" portions of the digestive organs. I would recommend potatoes to be
" used daily in the winter months, viz., from 1st October to 1st May,
" the other garden vegetables to be mixed with the soup. Lastly, two
" ounces of extra bread for supper might be issued to those prisoners
" employed at hard work in the open air, as the quarrymen, gardeners,
" blacksmiths, &c., but I do not think it necessary to those employed
" within doors, as the tailors, shoemakers, washers, and others on
" light work." But there was a considerable correspondence that took place after that.

552. *Chairman.*) This was in 1850?—Yes.

553. (*Mr. Waddington.*) Be good enough to look at a letter from yourself, dated 22nd of October 1850, addressed to me?—It is in these terms:—" The diet at Portland appears even now to be insufficient to
" enable the men to exert themselves, as they are quite willing to do,
" in the heavy labour of the quarries. Before proposing any perma-
" nent addition, I would beg for the authority of Sir George Grey to
" try some experiments that have been suggested by the medical
" officer and governor; first in dissolving the bone now belonging to
" the meat, in 'Papin's Digester,' and giving soup daily, thickened
" with rice or oatmeal; secondly, in substituting some suet pudding for
" a portion of the bread now given at dinner; and, thirdly, in giving, as
" a temporary measure, if found necessary, two or three ounces of extra
" bread at supper to those men employed at the quarries, and to the
" smiths and carpenters, restricting all the men at in-door work to the
" present allowance. After a short trial of these experiments I shall
" be prepared to submit a revised scale of diet applicable to these
" circumstances. I quite concur in an observation of Captain Whitty's in
" one of his recent reports to me, that whatever may be said in favor
" of keeping prisoners on a low diet as a part of their punishment, I
" think it must be evident that such a mode of punishment is quite
" inapplicable on public works, where the object is to obtain as much
" labour as possible from the convicts, and to leave them no reasonable
" excuse for not fairly exerting their natural powers in the work at
" which they may be engaged."

554. Will you be good enough to read my letter in answer to that, dated 26th of October, 1850?—Your letter was in these terms:—
" Having submitted for the consideration of Secretary Sir George
" Grey your letter of the 22nd instant, recommending an experimental
" increase of diet to certain classes of convicts under sentence of
" transportation at Portland convict prison, who may be engaged in
" the heavy labour of the quarries, I am to signify to you his approval
" of the proposed experiment being carried into effect, provided the
" principle is not departed from that the convicts to whom this
" recommendation applies ought not to be better fed than is necessary
" to sustain their health and sufficient to sustain their strength, so as
" to enable them to perform the labour required of them, and especially

Major-General Sir J. Jebb, K.C.B.

10 Feb. 1863.

" that they should not be in a better position in this respect than " ordinary free labourers."

555. Did it end in that diet being sanctioned upon the suggestion of Dr. Houghton and as recommended by you and Captain Whitty ?—Yes, the experiment was sanctioned, but I have not the scale here.

556. There were, I believe, two scales, one for those employed upon hard work ?—Yes, the weekly allowance of the highest scale is 10lbs. 11oz. of bread ; of beef, without bone, 2lbs. 7oz. ; of potatoes 7lbs. ; of flour pudding 1lb. 2¾oz. ; of liquid food, 7 pints of soup per week, 7 pints of gruel, with 3 pints of cocoa, and 4 pints of tea.

557. That has remained unchanged from the 25th of October 1850 to this time ?—Yes.

558. In your judgment is that diet more than sufficient to keep the men in good health, considering the amount of work they do, and the fact that they are prisoners instead of free labourers ?—It was determined entirely by experiment, and therefore I am not prepared to say that it is not just what is required for keeping the men in health and enabling them to perform their labour. I may however mention that on the 14th of November 1850 I received a letter from Dr. Houghton, the medical officer at Portland, in which he says : "In reply to your letter " of this date requesting me to furnish you with a scale of diet for the " prisoners in separate confinement, your object being to meet the case " of those prisoners who prefer idleness in separate cells on the present " allowance of food to working on the public works, I beg most strongly " to recommend that the diet of the prisoners in the separate cells for " idleness or misconduct should be strictly one half of every article com- " posing the ordinary prison diet, to be continued for ten days or more, " according to the nature of the offence ; this rule not to interfere with " the usual three days' bread and water, but to follow it. I feel con- " vinced that this arrangement will have more effect upon the prisoners " than many months of confinement on the present allowance ; it will " check all that shamming and scheming so common amongst prisoners, " who are chiefly to be ruled through the stomach. I also beg to ob- " serve that the separate cells are the most comfortable part of the " prison, where they have books to read, and may prefer to eat the " bread of idleness to working, and will otherwise be always a dead " weight on the establishment." I found that a portion of the prisoners used to go into the separate cells, and as there was no special diet for them, my view was that there should be, and the recommendation of Dr. Houghton was to reduce the diet of prisoners who were fond of going to the separate cells. It had a most immediate and marked effect in stopping the practice.

559. (*Lord Cranworth.*) Were they not all in separate cells ?—Yes, for the purpose of sleeping, but we have 30 large separate cells as distinguished from the small sleeping ones.

560. (*Mr. Bouverie.*) Are those punishment cells ?—Not exactly ; they are a kind of punishment cells for certain classes of offences.

561. You do not say that it is optional for a person to go into one of those cells if he pleases ?—No ; some persons used to be idle or committed an offence to get there.

562. (*Mr. Waddington.*) The being idle or refusing to work is always punished as a prison offence ?—Yes ; besides losing their stages and their gratuities. In the separate cells they have bread and water or a special diet.

563. Have you ever found any difficulty in maintaining the discipline at Portland except upon one occasion ?—There has been no difficulty in maintaining the discipline in a general way ; but there

have been periods of very great difficulty; I speak now of the period preceding the outbreak that took place at Portland. When the Act of 1853 came into operation the men who were then under sentence of transportation began to be discharged with very long periods of remission; the seven years' men with four years remission, the 10 years' men with six years remission, and so on. The Act of 1853 contained a clause which empowered the Secretary of State to grant remissions to all persons sentenced under that Act, but the sentences were so short, and for other considerations, the Secretary of State did not think it right to exercise the power of remitting any part of the sentences. I could not exercise any opinion upon that. It disappointed the prisoners, and they became at last sulky, and with difficulty could they be kept in the same order that the others were.

564. You had two classes, then, in the same prison, some had a large remission and others of them had none?—Yes; then came the Act of 1857, with the remissions which were again fully recognized, and when these men came into association there were in the same gang people who had to be dealt with under the old Transportation Act with long periods of remission, others sentenced between 1853 and 1857 with no remission, and a fresh set of convicts coming in with remissions; the consequence was that a great degree of dissatisfaction was felt, and that was the cause of the outbreak at Portland.

565. That outbreak occurred among prisoners who had no remissions, who may be called the penal servitude men of 1853?—Yes, it was not however an outbreak, it was a strike from work; the men threw down their tools and would not work; they said that they had tried every legitimate representation without effect, and they thought, I suppose, that this might have some effect. They were dealt with vigorously at first, that is, the people who struck work were removed to Millbank.

566. By vigorous measures being adopted and the presence of a ship of war it was put an end to?—Yes, the ship came down and that stopped it all. It was entirely put an end to, and I think the good discipline of the prison was shewn by its going on afterwards as if nothing had happened, and during the time not a blow was struck.

567. (*Lord Cranworth.*) Why was the ship of war sent?—She was intended to be in reserve to receive the men and render assistance.

568. (*Mr. Waddington.*) The discontent subsided after that, and the discipline has never been disturbed since?—No, and it is in a most satisfactory state now.

569. I will now refer you to Chatham; will you be good enough to describe the particulars of what has been called the outbreak at Chatham, and give the date at which it occurred?—It occurred in February 1861.

570. How long had the Chatham prison been occupied by convicts at that time?—I think about four years.

571. Is the system of discipline and labour at Chatham as nearly as possible the same as at Portland?—It is now, but at that time almost all the men were employed in the dockyard, leading to irregularities.

572. What distance is the dockyard from the prison?—Not more than a few hundred yards. I referred to the outbreak as follows: "The "outbreak which occurred among the convicts at Chatham, in February "1861, has been deemed to prove, not only that the establishment was "in a hopeless state of disorganization, but that others were no better. "To any one practically acquainted with all the circumstances, the "proofs are altogether in a contrary direction. Whilst the outbreak "itself is easily accounted for by causes which are fully explained in "the last report of the directors, the real state of the discipline is to "be judged by the subsequent conduct of the men; what this has been

Major-General Sir J. Jebb, K.C.B.

10 Feb. 1863.

" ever since will appear from the reports of the superior officers of that " establishment." And not a single man of those who were called the mutineers of Chatham were moved from the place; we dealt with them exactly as usual, and in the course of a few weeks Chatham prison was in a good state of discipline, better perhaps than it was before, and at the present time it is in as good a state of discipline as it is possible to expect in any establishment where desperate characters are assembled together.

573. What was supposed to have been the cause of that outbreak?—When Portland prison was first opened, I came to the conclusion that it was inexpedient to remove any prisoners into Portland prison who had been in the hulks, and, under the authority of the Secretary of State, Portland was filled from separate confinement, but when Portsmouth prison, two years afterwards, was opened, I could not do it, and was obliged to turn a proportion of the convicts out of the hulks at Portsmouth into the new prison. When Chatham prison was opened, which was designed to supersede all the hard-labour hulks, the whole of the dregs of the prisoners, and, what was ten times worse, the dregs of the officers of the hulks, were turned over into the new prison at Chatham.

574. Chatham prison was opened in order that the hulks should be abandoned?—Yes; the labour-hulks were then finally abolished. The first governor of Chatham was one of the officers who had been in charge of the hulks, and had great difficulties to contend with. Circumstances occurred which led to his removal, and to my recommending the deputy governor of Portland to be removed to Chatham. Very soon after he commenced he represented to me that he felt it was impossible with the staff he then had to bring the discipline up to the standard of Portland, and that the difficulties were insuperable. I refer to Captain Powell, the present governor.

575. (*Mr. Childers.*) The previous governor was Mr. Measor, I believe?—No, he was the deputy.

576. (*Chairman.*) You are speaking now of the time when he became the principal of Chatham prison from being the deputy governor at Portland?—Yes. He stated to me that some of the senior officers on whom he ought to depend, instead of supporting him, were secretly acting against him.

577. (*Mr. Waddington.*) Were those warders men who had been previously in the hulks?—Yes, and some of them with 20 years' service.

578. What were the particular breaches of discipline alleged?—There was no particular insubordination, but there was idleness and a reckless sort of habit which was very foreign to our notions of discipline. The convicts received great advantages, and therefore we had a right to expect ready obedience and cheerful industry. I then made a special representation to the Secretary of State that I did not consider the officers referred to should be dismissed; that they had been brought up in a bad school, and perhaps at their age could not change their habits. In consequence of a representation being made to the Treasury, pensions were granted, and they were removed from the service.

579. Was this before the outbreak?—Not exactly; I believe they were aware they were to go, and immediately afterwards the outbreak occurred.

580. After the old hulks officers were got rid of?—It was a remarkable circumstance that the events occurred almost at the same time.

581. Do you conceive that the outbreak was connected in any way

with the dismissal of those officers?—I think it might be. The convicts generally saw that there was a new régime about to be established, and that they would not have the countenance from the officers that they had hitherto had. It was not, however, the immediate cause of the outbreak.

Major-General Sir J. Jebb, K.C.B.

10 Feb. 1863.

582. Will you be good enough to describe the nature of the outbreak?—There were four or five in a gang of very desperate burglars, and those men, through those officers or others, had got into communication with the Jews in Petticoat Lane, and a complete plan was organized for making their escape. One of the prisoners gave notice of what was going on to the governor, and he, without taking any ostensible steps, by moving the prisoners from one place to another, defeated the object, but it was in such a way that it showed the prisoners they were discovered. One of those men who was on the island at work during dinner-hour endeavoured to get up a row. He jumped on to a table, threw the soup at the warders, shouted and made a great disturbance. Eight or ten others joined him, but the remainder of the prisoners remained perfectly quiet. The officers secured those prisoners and brought them back. The affair was reported, and I requested Captain Gambier to go down the next morning to inquire into the circumstances.

583. Captain Gambier is the director having the immediate charge of that prison?—Yes. Whilst he was investigating this charge in the governor's office against the eight or 10 prisoners, a warder came in to say that there was a great disturbance going on on the parade. The men had been paraded for work, and Captain Gambier went out; the governor stood to see what would be the issue of this riot, for about 20 or 30 of the men had fallen out of the ranks, and were shouting, trying to make the others join them. The moment the governor saw that the men stood fast he ordered the warders to fall out from their own parties, and secure those men, which they did, but it took almost all the warders to secure them, and keep them quiet. The remainder of the men on parade, instead of being marched off to work, were sent back into prison. The first five or six parties went into prison, and as was the custom, went into their own cells and shut their doors after them; but the governor and Captain Gambier endeavoured to explain something which caused a check in the great corridor, when others began shouting and making a disturbance. They found that they could not stop the riot, and left the prison themselves to order the military up. There were left in the prison about six warders with, perhaps, about 800 or 900 men.

584. (*Mr. Bouverie.*) Were they all loose?—Yes, except those who had gone into their own cells.

585. (*Mr. Waddington.*) The rest of the warders, I suppose, had the other men in custody?—Yes, in the yard. The military very soon came down, and in the course of five minutes after their arrival the convicts ran away, to save themselves, and the riot was at an end.

586. With regard to the causes of the disturbance, do you suppose it arose from the fact of the plot having been discovered, coupled with the dismissal of the old warders, and a generally lax state of discipline?—Yes; but I should not say that the discipline was exactly lax.

587. But it was not so good as you could have wished it?—No; there was a bad feeling among the prisoners, who were ready for an outbreak. I went down the next morning and told the Governor that I did not understand how it could be that so many men should be committed in a riot of that sort. He said, "It is not the case, there are "not many committed in it." I ordered the men whose licences were

Major-General Sir J. Jebb, K.C.B.

10 Feb. 1863.

signed, and the parties who were to come forward next month for licences, to be paraded. I spoke to the men and saw reason to believe they had no share in the disturbance. I then desired the governor to commence an immediate examination into the particulars of each case. Some of the men said their doors had been shut or they should have gone into their cells.

588. (*Chairman.*) They are all fastened, I believe, by spring locks?—Yes, and when the doors were shut the whole body of prisoners became committed apparently in the riot, just in the same way that a whole street full of people would be.

589. (*Mr. Waddington.*) There were only six warders in the prison?—About that number, I think, and none of them were injured or ill-treated.

590. Then it must have been upon their evidence that the parties could have been identified as having taken part in the riot?—Yes, to a certain extent, many of the men said they could not help it, as they stood at their doors and could not get in.

591. What was the whole number that was punished on that occasion?—I think that about 48 of them were identified as ringleaders.

592. Were any of them flogged?—Yes; every man who was identified as having been actively engaged was flogged. I think the number was about 48. Under another class were those who had not been actively engaged, but who stood by and saw the thing, and were more or less participating in it. Another class were those, who the officers gave it as their opinions, would not have had anything to do with it on any account if they could have helped it. Captain Powell will be able to give more precise particulars; I am speaking entirely from recollection.

593. What were the punishments that were inflicted upon the others; were any of them sent back to separate confinement?—No, I was determined to subdue them; we did not move the men from Chatham.

594. I believe in the Portland case you sent many back to Millbank?—Yes, and there was a forfeiture of the remission, and of the gratuities for the full period, for a certain proportion, and for a few months in others.

595. Since the outbreak was subdued and after the men were punished has the discipline of Chatham Prison been very good?—Good order was soon restored, and it has been since in excellent order.

596. Quite as good as any of the other convict prisons?—Quite as good, perhaps in some respects better.

597. Do the men work in the Dockyards still?—No; a great proportion of them now are commencing the large new works on St. Mary's Island where they will be employed separately, as at Portland, that is, separately from the free labourers, a condition essential to success.

598. (*Mr. Bouverie.*) And solely under the authority of the prison officers?—Entirely; that is another essential.

599. (*Mr. Waddington.*) I believe you are perfectly well acquainted with what is called the Irish system of prison discipline?—Yes.

600. Did you go to Ireland by the direction of Sir George Grey to make yourself acquainted with that system?—Yes; I went over in order to enable me to carry out Sir George Grey's wish, that I should be able to state more in detail what my reasons were for objecting to the intermediate system and supervision of the police.

601. You went over and carefully viewed all the Irish prisons?—Yes.

602. You went, I believe, with Captain Whitty?—Yes.

603. Will you begin first with the prison at Mountjoy for separate confinement and describe it?—Yes. I found that prison exactly the same in construction as the prison at Pentonville.

604. Did you discover that there was a difference in the treatment of the prisoners between the system pursued at Mountjoy and at Pentonville?—Yes ; with a view to make Mountjoy more deterrent the prisoners were employed in picking oakum for the first four months, instead of working at trades, such as weaving and shoemaking, as at Pentonville, and they had what was stated to be less diet.

605. Was there any difference in the books ?—No, I think not ; the rules I think are almost precisely the same.

606. I believe you have had something to do with establishing the new system of prison discipline in Ireland ?—Yes ; I went over to Ireland in 1847 by the direction of the Secretary of State, and at the request of Lord Clarendon, the then Lord Lieutenant of Ireland. The prisoners who had been sentenced during the famine were accumulated in all the prisons, the accommodation was insufficient and disease and death prevailed.

607. In pursuance of your recommendation, was a separate confinement prison established, to be followed by associated labour on the public works at Spike Island ?—Yes ; I recommended the immediate occupation of Spike Island, which contained barracks and accommodation for 1,000 or 1,500 men. It was the most ready way of obtaining additional accommodation. They had no prison for separate confinement properly so called then, and I think it was on my recommendation that measures were taken to erect Mountjoy prison. I furnished plans exactly like those at Pentonville, the prison was built, and I believe was first occupied in 1850.

608. Mountjoy prison is for the separate confinement of females as well as males ?—Yes ; since that time an additional wing or two for females has been built.

609. (*Lord Naas.*) The females pass the whole time of their imprisonment in Mountjoy now ?—Yes.

610. (*Mr. Waddington.*) And when released with tickets of leave they are sent to a certain refuge, are they not ?—Yes ; they go to a most admirable refuge at Golden Bridge.

611. I believe the discipline at Mountjoy appeared to you to be very good, and the whole prison to be very well conducted ?—Yes ; but, as already stated, I did not approve of the difference between Mountjoy and Pentonville in point of work. It was penal labour and not industrial employment.

612. The general discipline was very good, I believe, but you did not approve of the change that had been made from the English system ?—No; having been a Commissioner at Pentonville, and knowing the very great care that was taken in working out the experiment, and the importance of a kind of employment that will interest the mind from the beginning, and a full diet from the first, I thought there was a great loss in industrial training, and in the moral advantages arising from giving them employment, at Mountjoy as compared with Pentonville.

613. You prefer the system of putting them on interesting employment, with full diet from the first, the Mountjoy system beginning with a more penal system ?—Certainly ; the Commissioners of Pentonville in their fifth report said that the result of all their experience was that the moral effect of the discipline which had been administered at Pentonville in that way was without parallel in the history of prison discipline.

614. Should you at all recommend that the English system should be altered in that respect ?—Certainly not for ordinary convicts.

615. In your opinion would this change of treatment which has

Major-General Sir J. Jebb, K.C.B.

10 Feb. 1863.

been adopted in Mountjoy, if introduced into England, have a greater deterring effect as being more severe in its nature?—In dealing with long sentences of penal servitude, the deterring effect is mainly due to the length of the period of confinement in prison. I do not think that in a long period of confinement any such change would increase the deterring effect—for a short period it would.

616. I suppose it must, to a certain extent, in all sentences have a deterring effect?—But I think it is a sacrifice of other objects of much greater importance, considering the objects in view; of course increased punishment will to a certain extent have a deterring effect, but that is not the only effect which is contemplated.

617. The system at Spike Island is pretty much the same as at Portland and at Chatham?—The rules are almost a reprint of our rules; there are some little differences, but they are quite unimportant.

618. Is there not a difference in the mode of it in Spike Island; the removal to what are called the intermediate prisons is obtained by a system of marks?—It is a system of records much the same as ours, to which they have assigned a certain value; the letters are the same, V G and G, but I believe three marks are given for the V G, two for G, &c.

619. They have a system of marks, I believe, which you have not here?—It comes to the same thing; it is merely a system of records of good conduct in the one case and in the other.

620. Only the persons who obtain a certain number of those marks are entitled to be removed to the intermediate prisons?—I believe that is so. A certain number of the V G letters would do the same.

621. Those are at Smithfield in Dublin, and at a place called Lusk, a short distance from Dublin?—It is about 16 miles from Dublin.

622. That is a farm prison, I believe?—Yes. I may mention, as to Spike Island, that great credit is due to the officers there for any moral effect that is produced, because it is not at all equal to Portland for the working of the discipline. It consists of large casemates for barracks, some of which are divided temporarily into small sleeping cells. The others are open casemates, where the men sleep in association, and there is a large iron hut there for 200, in which they must be huddled together. I said to Captain Whitty that if I were responsible for the occupation of that iron hut, I would not let it remain for a single day.

623. You disapprove of the association of the men at night very strongly?—Yes; I think there can be no question about that.

624. In that respect you consider Portland and Chatham, where every prisoner has a separate sleeping cell, to be on a superior system?—Infinitely superior. It is very difficult to work the discipline in association with any moral effect.

625. What was the date of your visit to Spike Island?—It took place last August.

626. At Smithfield and at Lusk there is a system of treatment which is not followed in any English prison?—Yes, excepting to a certain extent at Fulham; but there it is found to be absolutely necessary to preserve order and discipline.

627. At Fulham there is a refuge for females?—Yes; we have never introduced a distinct stage as part of the system for males.

628. What is the system pursued there?—A selection is made for good conduct and industry, of, I believe, at about 75 per cent. from Spike Island.

629. The time of their detention at Spike Island depends principally upon the number of marks they get?—I suppose it is according to their conduct; I believe the periods proposed for the intermediate

system is, four months for a three years' sentence, and six months for a four years' sentence, and so on. They are brought up to these two places, the artificers to Smithfield and the agricultural labourers to Lusk.

630. How long before the expiration of their sentence generally are they removed ?—It is four to six or eight months before they become eligible for a licence, I believe.

631. Therefore those who have short sentences pass a shorter time at the intermediate prisons than those under long sentences ?—Yes ; the convicts are dressed like ordinary labourers at Lusk, the warders are dressed in the same way, and they enjoy, as far as one can see, as much liberty as possible ; they are locked up at night, of course ; and sleep in an iron hut, which holds about 50.

632. What is the number at each of those prisons ?—I think about 50 at each of them, when I saw them; but they could accommodate 100.

633. I believe that 100 is considered by Sir Walter about the proper number ?—Yes ; there is accommodation for 100, I think, at Lusk.

634. They have, I suppose, a superior diet compared with that at Spike Island ?—I did not get the scale of diet, but I think it is a full scale, and, though different from the English, one that would be better liked by the prisoners at Lusk.

635. I believe there is a very able lecturer who gives these men the benefit of his instruction ?—Yes, Mr. Organ. He is a most excellent man, full of zeal, benevolence, and intelligence. He comes twice a week to Lusk, and delivers lectures to the men upon emigration, &c. He gives them the most interesting lectures at both places ; but beyond that he is most actively engaged in Dublin and the neighbourhood in finding employment for the men after they are out; he occupies the position in Dublin that the Prisoners' Aid Society does in London.

636. I believe he generally contrives to obtain employment for those whom he recommends before they are released ?—Yes, he takes care to do that; in fact, it is the condition almost of release in Ireland much more than it is in this country.

637. We have been informed that the police do not interfere with them in Dublin, but that when they go into the country, and a situation is obtained for them, the fact is notified to the police of the place, and they are ordered to report themselves to the police at stated intervals ?—Yes, they report their arrival, and again on the 1st of each month.

638. And also any change of place ?—Yes. It was explained to me that there are 1,500 stations for the police in Ireland, and that a man is ordered to report himself to the nearest station, but that no particular supervision is maintained over him in the meantime. The men, however, are stated to behave exceedingly well, but it must be remembered that in most cases they have gone back to their own friends and have been well received ; they have money in their pockets.

639. Do these men earn considerable gratuities at the intermediate prisons ?—2*s.* 6*d.* a week ; but the gratuities in the previous stages are lower than ours, and they do not earn the same amount.

640. But the gratuities in the intermediate prisons are slightly larger, are they not ?—Yes, 2*s.* 6*d.* a week, of which they are allowed to spend 6*d.*

641. You understand, I believe, that a great number of these intermediate prisoners use their gratuities for the purpose of emigrating at once ?—Yes ; I should think that nearly one-half of those who pass through Lusk and Smithfield emigrate voluntarily to New York and other places.

Major-General Sir J. Jebb, K.C.B.

10 Feb. 1863.

642. Mr. Organ, I believe, lectures them with that view?—He points out the great advantages of emigration.

643. He holds it out to them as a desirable object?—Yes; and it is an object of which they eagerly avail themselves; and this is all very well on a small scale.

644. Have you stated all you wish to state to the Commission in describing the intermediate system?—I may point out one thing that struck me, and which I took the liberty of mentioning to the Under Secretary, and that was, that in working the discipline in Ireland they have for males a double motive power, namely, a removal from Spike Island to the intermediate prisons, as well as a remission; but in the case of females, who always appear to require more motive power than males, they are kept in Mountjoy prison until the period when they would become eligible for release on licence, and are then licensed into Golden Bridge Refuge or Heytesbury Street Refuge instead of into liberty.

645. Are they superintended in the Refuges by Sisters of Charity?—Yes; there is an admirable superior at Golden Bridge who is assisted by other sisters. I mentioned to her, that it appeared to me that she was working at a disadvantage, and I was induced to point out the difference between the prisons in England and in Ireland in this respect.

646. What was the nature of the disadvantage you have mentioned?—The disadvantage was this that the women had to look forward to the moral restraint of the Refuge rather than to their liberty.

647. Are they kept in a Refuge until their original sentence has expired?—Yes, in many cases, or until they are provided for.

648. They have a ticket of leave, but it does not entitle them to be at large?—It is a conditional ticket of leave.

649. The objection, as far as I understand it, is that, instead of having their liberty upon obtaining a ticket of leave, they are confined in a Refuge upon a ticket of leave?—Yes.

650. And that is considered a less motive to good conduct than an absolute discharge would be?—Yes.

651. Did the lady to whom you have referred admit that it was a disadvantage?—She certainly did. The women, whilst with her, were constantly thinking that they ought to be out of doors, and during the whole period of their imprisonment, instead of looking forward to going out on obtaining release, they had to look forward to being discharged into a Refuge. It would be, of course, a very great advantage to them; but, as the Commissioners will see, it is not so great an encouragement during confinement.

652. (*Lord Cranworth.*) Not so great an inducement as the prospect of obtaining their liberty would be?—No.

653. (*Mr. Waddington.*) Will you just be good enough to describe the Refuge at Fulham, which you say is something approaching to the system of intermediate prisons, and what the difference is between the treatment of females at Fulham and at Brixton?—The Refuge at Fulham was the consequence of a representation which I made to Lord Palmerston, the then Secretary of State for the Home Department, that I did not think the women could bear the very long periods of imprisonment, under the Act of 1853, which the men could. They would not have the same varieties of discipline, in being moved from separate confinement, as the men were, to the public works, but must remain at Brixton probably for the whole time. I thought it most important that if possible some change should be made, and Lord Palmerston suggested that they might be placed *in an intermediate*

stage of discipline, during which time they could be, perhaps, better trained for release than from the ordinary prisons. Acting upon that suggestion of Lord Palmerston's, I endeavoured to effect an arrangement with the Refuge for the Destitute, which was an old establishment, near London; the arrangement was very nearly completed, and we were to discharge into that Refuge about 150 women a year, who were to remain there for six or eight months, and then be disposed of by having employment found for them.

654. Did that arrangement fail?—Yes, a difficulty arose at the Treasury. They were more successful in Ireland two years afterwards.

655. When was the Refuge at Fulham established?—It was purchased, I think, in 1854, or immediately afterwards; your letter to me respecting it was dated November 1853. On the failure of the negotiation with the Refuge for the Destitute I suggested that a suitable building should be built, and while I was looking out for a site I heard of a very appropriate one at Fulham, which was afterwards purchased.

656. When was the Refuge there opened?—I think it was not until May 1856; but all the arrangements were in progress for two years before that.

657. What is the number of women accommodated there?—180. The discipline is somewhat relaxed from what it is under penal servitude at Brixton, and they are engaged in every kind of industrial employment, such as washing and needlework, but especially in washing. There are upwards of 100 women employed daily in the laundry, and they thus acquire the knowledge of a very valuable occupation, by which to obtain their living on being released, and they realize a considerable amount for the Government by their labour.

658. Do they receive larger gratuities?—They are rather larger.

659. And rather better diet?—Yes; they get a little luncheon in the middle of the day. Some of those women have earned as much as 20*l.* a year, paid into the Exchequer. This is the return for 1862:—

FULHAM REFUGE.—Washing Account for the Year ended 31st December 1862.

	£	s.	d.	£	s.	d.
For private families, 41,004 doz. and 7 at 1*s.*				2,050	4	7
For the establishment, 15,050 doz. and 8 at 1*s.*				752	10	8
				2,802	15	3
Cost of all materials	601	18	11			
Paid for carriage of linen	109	16	6			
				711	15	5
Balance in favour of establishment				£2,090	19	10

90 women being employed in the laundry, the average earnings of each, calculated from balance 2,090*l.* 19*s.* 10*d.*, is about 23*l.* 4*s.* 7¾*d.*

	£	s.	d.
Actual cash paid into the Exchequer	1,539	2	0
Outstanding debts	142	1	3
	£1,681	3	3

March 25, 1863. JAMES RICHARDSON.

660. Then the principle is a slight improvement in their condition, and a variety of employment?—Yes.

661. And a nearer prospect of release?—Yes. I should not like to have them for more than a year if I could help it, but the exigencies

Major-General Sir J. Jebb, K.C.B.

10 Feb. 1863.

of the service require them sometimes to be there for 16 or 18 months; it depends upon the number coming in under sentence of penal servitude, and the number of those who are going out by the expiration of their time. We must relieve Brixton; all, however, go to Millbank first.

662. Will you just state the course of dealing with the female convicts?—All female convicts are first sent to Millbank, where they go through two stages of discipline; they then go to Brixton, where they go through three more stages of discipline, and then a proportion of them come to Fulham and go through two stages.

663. (*Lord Cranworth.*) You stated a short time back that you did not like them to be more than a year there, but that sometimes the exigencies of the service required it. I can easily understand that you may not have the means of accommodating them, but why need you keep them after a year?—On account of their sentence. If we have vacancies at Fulham we are forced to take them from Brixton.

664. (*Mr. Waddington.*) They are discharged at the same period and have the same remissions at Fulham as those who are kept at Brixton?—Yes.

665. (*Lord Naas.*) There is no absolute rule as to the time for which a female convict is sentenced?—No. We have adhered as nearly as we can to 12 months. It depends upon the vacancies which occur. The three prisons, Millbank, Brixton, and Fulham, all work together.

666. But you endeavour to arrange so that the convict is left for the last 12 months of her sentence at Fulham?—Yes. A proportion of them, not the whole.

667. (*Chairman.*) You do not mean, I apprehend, the last 12 months of the sentence, but the last 12 months before they are discharged?—Yes.

668. (*Mr. Waddington.*) 12 months of that would be passed in prison?—Yes.

669. Would you be good enough to state whether you think the system of intermediate prisons for males could be conveniently introduced into England?—I have always steadily expressed my opinion that it cannot with advantage be introduced into England. In the first place, the difference in the character of our convicts is such, that if they are left together without effective control, it would be prejudicial to the result.

670. The first objection, I believe, is to their sleeping in association?—Yes; and sleeping together without due means of control.

671. Is the number of officers very small in those intermediate prisons?—Yes, it is.

672. I suppose if the prisoners in an English prison were allowed to associate together at night, a larger number of officers would be required to watch them?—A much larger number.

673. Should you not object to having prisons in England in which association at night was allowed?—Certainly; I should object most strongly to anything of the sort. We had considerable experience of that in the two well-regulated associated rooms at Portland.

674. What has been the result of that experience?—The result has been this, that it would be most prejudicial.

675. In what respect?—In the loss of the moral effect of the previous discipline. When a man has got his own small cell in which he can sit during the hours he is not at work, he can read and reflect, and no contamination from others can accrue.

676. You think that solitude is of itself an advantage?—Yes.

677. With regard to the comparative liberty that is enjoyed in the intermediate prisons, do you think that could be advantageously introduced into the prisons in this country?—No; where increased liberty is given, which we do in the higher stages to the special service men as

they are called in our prisons, care is taken that they are all working separately; they are not allowed to be associated together, but are employed upon special duties which can be executed by a single man.

678. Is there not a degree of liberty given in the intermediate prisons to this extent, that the men are sent on messages and allowed to be absent for a day?—To a certain extent that is carried out; I believe a man may be sent on a message without any risk if he is close on his release; in fact he could not be induced to run away.

679. All those prisoners who are in the intermediate prisons are in the last stage of their imprisonment?—Yes; they are close upon their release, and their all depends upon good conduct.

680. That being so they are less liable to abuse their liberty than if they were there at an earlier stage?—Yes; I may mention that it is a great convenience in carrying out some of our large works to have well-conducted convicts selected for the purpose of assisting. I have had for the last three years a very large party who were first of all working at Woking, assisting in making the roads and parades. I have now got about 120 men at Broadmoor, where a lunatic asylum is being built. We have very few officers there, but the men have too much at stake to behave ill. I do not consider that they are gaining ground so far as the moral training is concerned. I fear it may be a sacrifice, but it is a convenience to the public.

681. I suppose those men are put into separate cells at night?—Most of them are; but we cannot do that altogether at Broadmoor, because there are small wards, and they move from one part of the building to another.

682. (*Lord Naas.*) Then they are not in separate cells?—Not altogether, but some of them are.

683. (*Mr. Waddington.*) I believe it is part of the system in these intermediate prisons that there should not be a larger number than 100 in one prison?—I think that 100 has been named as the maximum.

684. If that system were to be introduced into England, what number of intermediate prisons would be required?—We discharge about 2,500 annually, and we should want perhaps 10 or 12 establishments.

685. Do you think that an establishment of that nature in the neighbourhood of London would be likely to inspire confidence?—I think, as a general question, that the exhibition of convict discipline in that form would be most prejudicial, because it would show the highest of our secondary punishments in a form that would do very well for a workhouse, but which would have no prison features about it at all.

686. Have the men at Lusk the appearance of ordinary labourers?—Yes, nobody could distinguish them.

687. I suppose that those at Smithfield are employed in such a way that they can only be seen by persons who visit the prisons?—Yes.

688. But, at Lusk, they are seen by the whole neighbourhood?—Yes. It is a very nice farm, and the crops, when I was there, were wonderful; but there was nothing to indicate its being a place of penal servitude.

689. I suppose the same objection would apply pretty much to their employment upon occasional works, such as those at Broadmoor?—A good deal; but we look more closely after them at Broadmoor than they are looked after at Lusk. They are all dressed in a light blue, the same as the special service convicts are.

690. The principle in the intermediate prisons in Ireland is to give them considerable liberty in order that they may give some proof of having acquired the power of self-control?—It is liberty in all but the name.

Major-General Sir J. Jebb, K.C.B.

20 Feb. 1863.

691. But the good effect supposed to result is, that the prisoners acquire a power of self-control which prepares them for obtaining situations of trust from their employers?—Yes, and that the public by that means might be propitiated, and more likely to give employment. That was the main consideration, I think, at first.

692. Do you doubt whether, in England, it would produce the same result?—I am sure that it would not produce the same result in England, because there is a great difference in the character of the convicts in England and in Ireland. The crimes may be the same, but the individual character is different. There is no first-class thief in Ireland that will at all compare with those in England. Judging from the Irish prisoners who come into our prisons, they are more the class of casual offenders and reckless characters than the finished London, Birmingham, or Manchester thief.

693. (*Chairman.*) On the last day of your examination you stated that there would be much difficulty in applying a system of task-work to convicts in Government prisons?—That has been our experience.

694. Are you aware that the practice was established with great success by Sir William Denison in Van Diemen's Land, and both he and the Superintendent of Convicts reported that it had a very great effect in improving the industry and conduct of the convicts?—I think that it was applied there to those intermediate gangs that worked upon the roads. Your Lordship will probably recollect a regulation of your own, which was applicable to Western Australia, for executing the roads from the capital away into the country. The men were encamped along the line of road, and it would have been exceedingly inconvenient under those circumstances, the men being just about to obtain their liberty, not to assign tasks to them for executing the work. They could not be under any regular superintendence; but they could execute tasks more advantageously than they could work by the day.

695. The instructions to Sir William Denison, when he left this country in 1846, were, that the system of task-work was to be generally applied to all convicts in Government employment?—Yes; but they were employed differently in Van Diemen's Land to those employed in this country, and it was the main stimulus.

696. They were employed in quarrying, in collieries, upon buildings, and in road-making?—Yes; and I think probably, under those circumstances, a task was not assigned to an individual, but to the gang.

697. The instructions to Sir William Denison were that the work was to be arranged in day-work, so that a man of average power, by working hard, could complete in the usual hours of labour a day and a quarter or a day and a half's work, and thus reduce the period in the probationary gang. All the labourers in Government custody were in probationary gangs, and they were to be allowed to have half the value of any excess of labour in any day's work, if they liked, in tobacco and so on. The other half went towards completing their task before they could become free?—Yes.

698. It appears that Sir William Denison, in his half-yearly report to the end of December 1847, says that "difficulties had been experienced in establishing a system of task-work partly from want of "officers, but it is now in operation in many places, and will gradually "be extended to all the convicts in the employment of Government." Then, in the next half-yearly report, he says, "The returns as to the "working of the system of task-work are very satisfactory, and every "day tends to prove that it is producing a most beneficial effect upon "the conduct and discipline of the men." He also says that "the "men working by task have an interest in their work, and labour

" willingly, and their conduct is in every way improved. In the en- *Major-General*
" closed report the Comptroller-General says that the introduction of *Sir J. Jebb, K.C.B.*
" task-work has become the stimulus to industry hitherto wanting,
" and has in many cases produced a remarkable revolution in the 10 Feb. 1863.
" character of the coerced labour of the gangs." I would ask you whether, in the face of that evidence, you can say that it would be impossible to introduce the system of task-work for convicts in the employment of Government at home ?—I do not think it would be impossible ; it is a subject which has frequently engaged the attention of Captain Whitty, who was a civil engineer as well as myself, when first Portland was opened, but we coud not accomplish it, and it has never been suggested to me by any one governor of the Public Works Prisons. It would not be impracticable, of course, but whether it would be more advantageous than our own system, which provides a sufficient stimulus to industry and good conduct, is the question. I think it is possible we might get more work out of them, but I do see many serious difficulties. In Van Diemen's Land it was the only stimulus which would be effective.

699. Have you task work for those 140 special men whom you have mentioned ?—No.

700. Not for anybody ?—No.

701. Does not experience in general show whether, in the employment of convicts or of free labourers, that much more work is done under a system of task work than by any other system ?—Yes, no doubt about it ; but if you take a gang of 20 men, all of different capacities for work, and all differing materially in strength, and employ them upon one particular kind of work, such as quarrying or other work of the kind, there would be very great difficulty in saying, " This man " shall do so much," and " That man shall do so much ; " it can only be done by gangs.

702. As I understand the system which was pursued in Van Diemen's Land, it was this : the men were distributed in gangs according to their respective strength, then there was a day's work settled for each gang, the work was measured at the end of the day, and credit was given to them for any more or less that they had done ?—Yes, no doubt, but it must be done by gangs, otherwise jealousies would spring up, and one man would say, " You are only reckoned at so " much, and I am reckoned at double the quantity of work you are, you " are weighting me down, I have to work hard to keep you going; " but it is a matter well deserving of consideration.

703. You think that under the present system there is really a fair amount of labour done by the convicts, even without task ?—I have not a doubt of it.

704. You are probably aware that a very different opinion upon that subject has been expressed by other persons ?—Yes, other persons not knowing anything about it, or not fully considering the circumstances.

705. I believe that the Admiralty engineer who was employed upon the breakwater at Portland, in his examination before the Committee of the House of Commons, expressed a very unfavourable opinion as to the amount of work done by the convicts ?—No ; there has been a mistake about that opinion. His opinion, as far as I recollect it, but it is now some years ago, was that it would take two to one, or rather five convicts, to execute what two quarrymen would do at Portland. That does not refer to the industry so much as to the capacity or qualifications of the men. Our convicts, who come from all classes of society, many wholly unaccustomed to the use of the crowbar, or blasting, or wheeling a barrow, cannot compete with the Portland quarrymen,

Major-General Sir J. Jebb, K.C.B.

10 Feb. 1863.

I daresay it might take five convicts to do what two Portland men would do, or, at all events, in the proportion of four to two. What I maintain is this, that they do as much as can fairly be expected, that they are industrious, and do a vast deal more work than anybody would suppose, though they seldom get credit for it.

706. Have you ever tested the actual amount of work done by the convicts by measuring the work of say a year, and comparing that with the number employed, and seeing how far it fell short of the work executed by ordinary free labourers not specially qualified?—There is a daily record kept of every ton of stone that is quarried in the Portland quarries; it is weighed and recorded, and the quantity done by each party is known. If men are employed in squaring stone, every stone is measured—the quantity of work upon it, and the value of it, is recorded with the greatest possible minuteness—and I could give you the number of tons of stone that have been sent down any day during the last 12 or 14 years; the whole quantity sent down in a year, and the value of it by contract labour; the number of men employed; the cost of the plant employed in quarrying, and the cost of the locomotive engines to bring it to a certain point.

707. I think it would be very desirable that we should have some report showing the actual amount of labour done in any one year, and the number of men employed in doing it?—Such a report might be made out; indeed I have it here, and can give a specimen of the returns, which will show their minuteness.

App. No. 3*a*. B.

708. (*Lord Cranworth.*) Are there any means of comparing the quantity of work done by convicts with the quantity of work done by free labourers?—The quantity of work done by the convicts is accurately recorded; the amount that could be done by free labourers is a matter of calculation. The convicts generally send down about three tons of stone a day, on the average, and I think it very likely that 100 quarrymen would send down double that quantity or more; but that does not affect the industry of those men, they have done their best.

709. (*Chairman.*) Have you any information that would show the opinion which has been formed by other persons besides yourself as to the industry of the convicts?—I called for a report in consequence of a representation that was made only a few weeks ago, and this was the reply of the governor, dated 26th January 1863:—"With reference to your "question relating to the convicts of this prison, showing a bad feeling "and insubordinate spirit, and which also states that they do not do "the amount of work as formerly, and that it is evident that the officers "seem disinclined to compel the prisoners to labour, &c., I beg to state "that not only have I not observed anything whatever of this bad "spirit, or received any report of such conduct from the deputy "governor, who is daily twice among the working parties, or any of "the principal warders in charge of the divisions of working parties, "but it has been my own opinion, from personal observation, and from "the reports of all my officers to whom I have spoken on the subject, "that the body of convicts are remarkably orderly, submissive, and "respectful in their conduct, and that they work willingly and cheerfully, and do a fair amount of work. I have called upon the deputy "governor, and the several principal warders who are in charge of "halls in the prison, and divisions of working parties on the different "public works, for the unbiassed opinions (in writing) as to the "general feeling and spirit displayed by the body of prisoners, "and I beg to lay these statements before you." The postscript is in these terms:—"I observe that you refer to the 3rd of December "1862; upon that date the number of prisoners at Portland was 1,372;

" the number of reports for misconduct was 2 ; and for the week ending " 6th December 1863, there were 20 reports—thus less than three re- " ports per day, or less than one report for every 450 prisoners daily." *Major-General Sir J. Jebb, K.C.B.*

Now unless the establishment were in first-rate order that condition could not exist. This is another reply of the deputy-governor, dated " 19th January, 1863 :—" In reply to your inquiries as to whether I had " observed any unwillingness to obey the officers ? such a state of things " having been communicated to the authorities, I beg to say that it ap- " pears to me such an opinion must have originated entirely in the " imagination of individuals unconnected with convict service, and with- " out any foundation. I see no difference myself in the labour of the " prisoners, and it was only a few days since I remarked to the chief " warder upon the apparent orderly and steady conduct of the men, " both in the prison and on the works. Had I observed any change " in the conduct of the convicts, or had I received any reports from the " principal warders on the subject, I should have immediately brought " the same to your notice. I may also add, that the warders in charge " of parties seem to obtain the same amount of labour from the prisoners " as heretofore, and I have observed no difference whatever in the " demeanour of either warders or convicts." 10 Feb. 1863.

The following is from the chief warder, who is a very experienced officer of the name of Stein, dated 26th January, 1863 :—" In " reply to your queries as to my opinion on the state of discipline " that the prison is in, and has been for some time, I beg to state " that I have never seen the convicts in a more orderly state. " The amount of work done is equal to that of any other period ; " they are equally submissive and obedient to orders, and perform " them willingly. The officers in charge of the working parties " have them well in command, exacting a proper amount of labour from " each man, which is performed without hesitation. Of course there " are individual exceptions, but they are very rare. On the whole, " the prison, in my opinion, never was in a better state of discipline " then it is at this present, and has been for some time."

710. Those reports are highly satisfactory, but I do not observe that any of them express a very distinct opinion as to the amount of work done by the convicts, as to whether it is a larger amount of work compared with what would be done by free labourers?—They are all satisfied with the result, and that is to me an indication that it is what they call a fair amount of work. You cannot expect that convicts, who are working under compulsion, even although they have many inducements to do it, will work in the same way that a man who has a wife and family to support and share his wages ; nor are they capable of it.

711. In Ireland, I believe, it is much lighter labour that is done by the convicts than is done by ordinary civil labourers ?—I think it probably is. I could not say that it is not. I only know that they do what any one would fairly consider to be the amount of work that might fairly be required of them.

712. As much work as it is possible to obtain from them under the system ?—Yes, under the system and conditions in which they are employed, and the class of men.

713. Are you aware that it has been represented that the punishment which is inflicted upon convicts sentenced to penal servitude is not regarded by the criminal classes as formidable, and that the labour exacted from them is much less than free labourers can perform, while the convicts have the advantage of better food and lodging than free labourers can command. Have you any observations to make upon that ?—I think it is very probable that the operation of the Act of 1857

Major-General Sir J. Jebb, K.C.B.

10 Feb. 1863.

is unfavourable with respect to the deterring effect. I have heard of an instance in which a man who has received a sentence of 18 months or two years imprisonment has begged to be sent to penal servitude, but that does not affect the question. The penal servitude, as it is now established, was designed for long periods of confinement connected with transportation, and the system could not well be altered, because even under the Act of 1857 the sentences are seven years or three years at the option of the judge, and three years might at any time become exceptional. I think that where the failure has occurred has been that a sentence to three years penal servitude has been passed in cases where imprisonment for two years or 18 months formerly was passed, and because the shorter sentences in the county prison should be carried out with much more severity than during the longer period. Men receiving these short sentences come into a system of discipline which is unsuitable to carrying out sentences of imprisonment.

714. I understand you to mean this, that the sentences of penal servitude ought not to be passed for a shorter period than was formerly the practice as to transportation?—In a memorandum that I gave in, dated 1856, my view was that five years ought to be the minimum sentence to penal servitude.

715. (*Mr. Walpole.*) You could not work out your system of discipline under that period?—I think not. It would not be sufficiently deterrent, nor is it sufficient for reformation, nor can it well be connected with deportation to a colony.

716. (*Mr. Waddington.*) That involves a remission of one year?—Yes, or any remission that might be settled; a less period perhaps would answer the purpose.

717. (*Chairman.*) It has been stated that in bad weather the convicts are relieved from work while the free labourers continue to perform it?—To a certain extent that is true, and for this reason: if you have 1,500 men out in the open air, quarrying, or at work, and a sudden shower comes on, if those men get wet through it is very difficult to dry their clothes; they cannot be left standing in their wet clothes, and the clothes being heavy take a great deal of drying, therefore it is an object, if possible, to take the men under shelter for a time during a storm; in the same way that a regiment would be sent into their barracks or marched under cover in similar circumstances.

718. That is one of the inconveniences that necessarily arises from penal labourers compared with free labourers?—Yes; a free labourer can go home singly to his own cottage, he has his own change of linen, and the means of drying his suit of clothes at home, but when a large number has to be dealt with there is a difficulty. Again, if the men were left with their wet clothes on we should have a great number sent to the infirmary.

719. Have any arrangements been made for putting the convicts to hard work in cases of bad weather?—Not to hard work; there is a good deal of light labour, and we take advantage of a bad day to execute all the cleaning in the prison, alteration in the stores, and setting things to rights, and they are employed generally about the prison.

720. Have you no covered sheds where they might be employed in cutting stone?—Yes, we have a few of those, and the stonecutters sometimes work under shelter; the stone sawyers also.

721. Could the means of employing them in that manner be advantageously extended?—Yes, I think it might, but it would be an expense.

722. Do you contemplate that even when the public works at present in progress at Portland are completed there will still be the means of employing convicts at Portland ?—I think that a certain proportion of them may be employed there. I called the attention of the Secretary of State to that point some years ago, and a communication has been made both to the Admiralty and to the War Department upon the subject of future employment. Assuming that the main works in progress at Portland were finished, they would be able to employ a certain proportion to execute the repairs, and a large body of them for squaring stone. I am certain that all the stone required for the public departments in this country might be supplied by convict labour from Portland.

723. You could supply Portland stone for all the public buildings now in progress in London and elsewhere ?—Yes, and for all the dockyards.

724. Portland stone has been shown by experience to be one of the most durable stones for London ?—Yes, for buildings ; I think that is now the general opinion.

725. Your opinion is that for many years to come a considerable convict establishment may be kept up at Portland ?—Yes.

726. By its situation and the facility of cutting off access to the main land it is very favourably situated for a convict station ?—It is one of the best that we have.

727. In addition to the other advantages which the convicts have, they are allowed certain gratuities, according to their conduct ?—Yes.

728. You have stated that the Irish gratuities are considerably lower than the English ?—Yes, I think so, in the early stages ; but in the intermediate prisons they get 2*s.* 6*d.*, which is more than ours.

729. But the total amount of gratuities payable to a convict who has behaved very well. I think, is much smaller at the time of his discharge in Ireland than in England ?—Yes, I believe so.

730. Do you think that those gratuities might with advantage be reduced in England ?—I think that for the longer sentences they might, but there are two or three considerations to be taken into account. There is, for instance, the amount of stimulus to good conduct and encouragement which they afford, and there is the amount which is required to promote their interests on discharge. In the case of men who remain a very long time, say 10 or 12 years under life sentences, their earnings accumulate, because they receive a sum of perhaps 2*l.* a year, and the gratuity will then amount to 20*l.* or more. I think that sum is more than is perhaps necessary to promote a man's interests on his discharge ; but I doubt whether we could reduce it with advantage, looking to the stimulus which it affords to good conduct, and to encouraging a man during his confinement by the gradual daily increment that is placed to his credit. I should not be disposed to lower it, excepting for re-convicted prisoners.

731. Do you not consider that it has an injurious effect, when a man who is known to be a convict comes back again into London, for example, where there are persons disposed to crime, he being in possession of a considerable sum of money ?—But the man has not the command of that, as it is paid by very small instalments. It remains at the disposal of the Government, and affords an excellent means of control.

732. But he receives it all, does he not, in about six months ?—Yes, in about five or six months.

733. He may receive as much as 30*l.*, may he not, in some cases ?—That must be in the case of a convict from Bermuda. At Bermuda

Major-General Sir J. Jebb, K.C.B.

10 Feb. 1863.

they might earn that, because task work is allowed there in addition to very long periods served under life sentences. The system of task work, when they acquired a great capacity for squaring stone, enabled them to earn very large sums of money. With regard to what can be said out of doors on the subject, it must be remembered that large gratuities have been earned by 10 or 12 years of hard labour; it is but a small amount yearly. I do not think that the average amount earned by convicts is more than is necessary to promote their interests on their discharge, and if it be carefully administered, especially through the Prisoners' Aid Society, it saves hundreds from returning into crime, and thousands of pounds of public money.

734. (*Mr. Bouverie.*) What is about the average amount which they receive?—It is about 7*l.* or 8*l.*; in three years they can earn 5*l.* or 6*l.*, and in four years about 8*l.*

735. (*Chairman.*) You have stated that the diet which is now in force was adopted after trials of lower diets, which were found insufficient?—Yes.

736. It appears that the diet now in use in Ireland, at Spike Island, is less than the diet at Portland?—I think, if you look to the kind of diet that the Irish generally have, it will appear that they do not require so much meat, they are not used to it, at least so I have understood; potatoes and milk is what they like.

737. Is not the proportion of meat allowed to convicts at Portlnad very much larger than that which the free labourers consume doing harder work?—The diet is a subject on which I cannot exercise the slightest control or opinion. It is entirely a medical question, and has always been considered so. Even the diets which are laid down in the regulations of the Secretary of State are all calculated on medical authority for the different periods.

738. You have observed that it is necessary to maintain the deterring effect of punishment; is not so very generous a diet as that which is now given likely to have a bad effect in that respect?—I think the effect would be much worse if there was a constant grumbling and dissatisfaction, and hunger operating upon the men. One reason why the diet appears to be higher than necessary is, that some men require more than others, and we are obliged to make it an average allowance in order to prevent constant applications for increased food, in the case of those who could not support their health or execute their labour without a certain amount of food. It would be very difficult to classify the men and to say that some shall have four ounces and others five ounces of meat. I think that the discipline would not work well with such distinctions.

739. Would it not be practicable to give a diet which should be equally nourishing and equally copious, and yet of a kind less agreeable to the men?—I used to think that possible; we tried, with that very view, a diet at Millbank that was considered suitable for the penal class, and we have got a diet in the military prisons which is also of the same character, somewhat distasteful; it is chiefly made of Indian meal, into a kind of pudding or porridge, which is very nutritious, but it perhaps may be considered less palatable. I was, however, told the other day, at Millbank, that it was quite a question with the convicts as to whether they did not like the one just as well as the other. There would be great difficulty in framing a diet to be nutritious and distasteful, even if it were consistent with objects of convict discipline to make it distasteful.

740. Would not a diminution in the quantity of the meat be felt by

the men ?—Then they could not execute the work. The addition was made on experience of that.

741. Is it not true that in civil life in Scotland, particularly in former times, a man did a very hard day's work with a very small quantity of meat to support him, his chief food being oatmeal, or other food of that kind ?—It seems to be the opinion generally of medical men, with reference to imprisonment, that men require support by good diet. I know that that is so in separate confinement; at first sight one would think that a man sitting in a cell alone, in an equable temperature, sewing, could live on a very spare diet, but they require a more generous diet than people do who are working out of doors.

742. But there is not the same depressing influence operating upon those who are engaged on the public works ?—No; but it must be borne in mind that to a certain extent a man's mind will revert back to his condition or his family when he is in confinement.

743. You are aware that the publication of these diets, which are so much beyond what a free labourer can command, has an injurious effect upon the minds of those who are disposed to crime ?—It is not unlikely, and that is one of the difficulties that we have to contend against. My view would be, not to give these men any ground for complaint as to diet, but to make the discipline more severe, if possible, in certain cases. It is most essential not to establish during long sentences a permanent grievance.

744. And, above all, to make the punishment more deterrent, by not passing such short sentences ?—Yes, certainly; I think that our discipline on the public works, and the change from separate confinement to public works, is not adapted for those very short terms.

745. I believe that the selection of convicts for removal to Western Australia rests with you ?—It rests principally with the director who has the superintendence of the prisons, and with the governor.

746. Do you also make the arrangements as to their embarkation ?—One of the directors does that.

747. Seeing that the ships are properly prepared for them ?—Yes.

748. And that the proper information is given to the officer in charge of the convicts ?—Yes, but the regulations for the guidance of the surgeon-superintendent are issued by the Admiralty.

749. Did you happen to see two letters which appeared some time ago in a newspaper from the Bishop of Perth, in Western Australia, as to the description of convicts that were sent out in the ship in which he took his passage to the colony, and the arrangements that were made with respect to them ?—I recollect seeing a letter, and it was with surprise and regret that I heard of so much more misconduct and insolence than usual, when I had hoped the presence of a bishop and two clergymen would have secured a very peaceable voyage.

750. Are you aware that the bishop stated that in that ship there were put several men of the most desperate character, and one in particular, who in England had repeatedly attempted the lives of the warders, and without any warning being given to those who were in charge of him of the character of that man ?—I am not aware of that, for at that time we rather selected the better class of men to go out to Western Australia. The man to whom you refer probably might have been quite capable of doing well on his release.

751. He was described as a man who was well known in England to be of a desperate and incorrigible character, and he was described as such by some of the crew of the ship (the "Nile") which carried him out to the colony ?—I do no trecollect the particulars, but think it must have been an exceptional case. The surgeon-superintendent, who went

Major-General Sir J. Jebb, K.C.B.

10 Feb. 1863.

out in the last convict ship last year, has just returned, and he gives the most favourable account of the conduct of the men on board the ship, and also of the reception they met with in Western Australia.

752. Can you at all account for the state in which the ship to which I have referred was said to be during the voyage out?—I do not particularly recollect the surgeon-superintendent, or the circumstances under which that ship sailed, but it is extremely difficult to preserve discipline in a convict ship on a long voyage, and it requires peculiar tact and management in dealing with the men. A very trifling mistake, or an act of oppression or injustice on the part of the surgeon-superintendent, would be likely to cause very serious results.

753. In the instance to which I have called your attention, the opinion of the bishop was that if it had not been for the great energy and judgment shown by the surgeon-superintendent there would have been a successful rising of the convicts?—For many years those convict ships have been sent out, generally speaking, under very difficult circumstances, but with very great success.

754. He stated that there was no arrangement whatever on board that ship for putting into separate confinement any man who misconducted himself?—They generally have two or three cells fitted up in the fore part of the ship, in which to confine refractory prisoners. A portion of the ship is usually divided off for that purpose.

755. But this ship was sent out without any cells being so prepared for refractory prisoners, and it was only after great abuses had taken place, and with much difficulty, that the captain contrived to build up some cells?—I do not now recollect the circumstances of that case.

756. With regard to the selection, are you aware that there was a complaint made that there were sent to Western Australia convicts who had been lunatics?—I have a recollection of some single instance of that kind, but I do not remember the particulars.

757. In the evidence that was taken before the Committee of the House of Commons, I think it was mentioned that there had been two or three cases of that kind, of lunatics who had recovered temporarily, but who were very likely to relapse, and did relapse?—That has been done entirely upon the medical certificates. The men are carefully examined by the medical men in regard to all those matters, and the surgeon-superintendent also examines them before they go, and has full opportunity of seeing them, and of rejecting any whom he may consider unfit to be embarked.

758. Does it not strike you as being very wrong to send out men who have been lunatics?—Yes; but if the medical men state that the former lunacy was only temporary, we can hardly exercise a discretion in rejecting him.

759. Are you aware that it has also been stated that some men were sent out whose convictions had been for unnatural offences?—I hardly think that, because there was a special reservation that the colonists would receive all excepting those cases. I do not know that there have been any it ought not to have been so if it has occurred.

760. It was an error if it did take place?—Yes, I should think so, for the distinct understanding is, that such convicts shall not be sent out.

761. Has it been the practice in selecting men for Western Australia, to send out those men who used formerly to give so much trouble in the Australian colonies, those called the gentlemen convicts, swindlers, clerks, and the class of men who were not equal to severe labour?—Those have been sent out indifferently with other well-conducted men; within the last few years there have been two or three of that class, for

example, Redpath went out, and several others of that character were sent out to Western Australia.

762. Does it not appear to you that that is not the proper description of convicts to send out to Western Australia?—The proportion of that class is not more than sufficient, I think. I have been given to understand that the services of Redpath have been very useful in the colony.

763. (*Mr. Waddington.*) And Robson also?—Yes.

764. (*Chairman.*) In what respect were they found to be of value?—They were employed, I believe, as clerks in the commissariat stores. It is probable that they are a little short of people of education in that colony, because the other colonies offer so much more inducement to that class, but I have not any particular information.

765. You have described the system pursued with regard to the female convicts. Is it found upon the whole that there is more trouble with the female convicts than with the males?—Yes, I think so, because they are not so amenable to punishment, and their offences are of a different character, and depend very much upon impulse. If they quarrel one with another they will set to work and break the windows in their cells, and tear up their clothes, all without any assignable reason, and then they will sit down and burst out crying. They are difficult people to manage, but on the whole we have been successful, for which we are mainly indebted to the admirable character of the officers.

766. You are aware that great complaint has been made of the overwork which is imposed on the female warders. Do you think that there is any ground for that complaint?—The hours are necessarily long. The officers are forced to get up at half-past 5, or a quarter to 6 o'clock. The convicts are not locked up until 5 o'clock, or later. Some of the matrons are kept on till 8 o'clock, but some of them are relieved from duty about 6. It is hard work, but not more than they can get through if in good health.

767. Is it not of very great importance that you should have as good a class of warders as possible to look after the women?—Yes, and we have as good a class as I think can be got. The salaries are liberal.

768. Does not the efficiency of convict discipline much depend upon the subordinate officers employed?—Very much indeed.

769. Is it not therefore desirable not to make the situation of a warder too severe a one?—Unfortunately the number of hours' work is necessary for carrying on the discipline.

770. Might not that be remedied in this way by having rather a larger number of those officers, and allowing them for example one day in a week to themselves so as to mitigate the extreme pressure upon them?—No doubt they would be relieved in that way, but what would the Treasury say to the increased expenses.

771. Does it not strike you that it is very bad economy to reduce expense, if the reduction interferes with efficiency by preventing you from getting the best class of officers?—I think that we get quite as good a class of officers as we should get under other circumstances. It is a question of expense concerning which my instructions are strongest.

772. You are aware, no doubt, that I have been referring to a book that was written by a prison matron?—Yes; all officers would wish to have less work and more liberty. It is, I assure your lordship, a very unpleasant duty to myself to withhold anything from officers who perform their duties so admirably.

773. Is it not true that there is a very rapid succession of them and

Major-General Sir J. Jebb, K.C.B.

10 Feb. 1863.

that they very frequently give up their appointments ?—No ; the changes are not frequent if the matrons are in good health when they commence.

774. (*Lord Cranworth.*) What is the salary of a matron ?—The assistant matron begins with 35*l.* a year, rising by 1*l.* annually up to 45*l.* The matrons begin at 40*l.* and rise up to 50*l.* ; with rations, lodging, washing, and medical attendance, it is a very good scale of salary; but if more officers were appointed, so as to diminish the duties, I should fear that objections might be made to the amount of salary.

775. (*Sir J. Pakington.*) Will you be good enough to state to the Commission in what manner and upon what principles the selections of convicts to be sent to Western Australia have hitherto been made ?—Up to a recent period we selected the best men we could find for the colony. It was the understanding with the colony that they should be, as they were, all well able to earn their living, and they were men of a better character than most convicts. When Mr. Hampton, formerly the Comptroller-General of Convicts in Van Diemen's Land, was appointed to the government of Western Australia, he expressed an opinion to the effect that if the number eligible for removal were restricted by making a selection of the best men, he should have no objection to take any ordinary convicts, excluding those only who had been guilty of the crime which has been alluded to, and should have no difficulty in managing them in the colony. Without the removal of this restriction the number that the colonists were willing to receive could not have been selected without great difficulty.

776. Do you mean men who had in this country borne the best character, or men who were most likely to be physically useful in the colony ?—It was on a consideration of both those points.

777. After this conversation with Mr. Hampton, did you make any change in the principle of selection ?—To a certain extent we did. We did not look so carefully into the antecedents of a man, or his conduct.

778. Has the selection always rested with you ?—Yes, to the extent already explained.

779. Have you in selecting those men to go to the colony, regarded that selection as a boon or as a punishment to the men ?—Generally speaking as a boon ; because it shortened very much the period of confinement to which they would otherwise be subject, and the scale of remissions in the colony is much more favourable than in England.

780. Does not the question of whether that selection to go to Australia is a boon or a punishment very much depend upon the character of the connexions of a man at home ?—I think it may do ; I can only speak generally upon that point. I think that the men regarded it as a boon and that they were very glad of a change. For a time, when the number that we could send away was very limited, we were glad to ask the men whether it was a boon or not to them; and many of them said that they would gladly go, especially those who had uncertain prospects at home ; they considered that they should be benefited by being removed.

781. Did you adopt that as a practice to ask the men whether they regarded it as a boon or not ?—No.

782. But you did in many instances ask that question ?—Yes, in some cases it was necessary.

783. In those cases was the question put before the selection was made, or afterwards ?—It was put before the selection was made.

784. What was the answer generally received ?—I cannot speak exactly to that ; I do not know it personally ; it is done by the directors having charge of the prisons and the governors.

785. Does not the selection rest with you ?—No, the names are brought to me, but the selection is made by the director having the superintendence of the public works prison and the governor.

786. Do you know what answers were given to the inquiries that were made ?—I know generally that those inquiries have been made, and it is only recently that I was asked a question by Mr. Waddington from the Home Office, why the volunteers were taken. It must be borne in mind that unless with their own consent men sentenced to penal servitude under the Act of 1853 could not be legally transported. It is different under the Act of 1857.

787. Do you know whether the decision was influenced by the nature of the answers given, or whether it was considered a boon or not ?—I should think it would be very likely to be considered a boon.

788. But you do not know ?—No; it was at a time when the removal to Western Australia was uncertain, from various causes, and consequently a very limited number were sent out. It was quite the exception to the general rule.

789. In those cases in which it was regarded as a boon, what do you think the boon was, the fact of earlier liberation in this country, or the being sent to the colony ?—Many of them expressed this kind of feeling that they had no chance in this country, and thought that they should have a better one in the colony.

790. In point of fact, it was a preference they had to go to the colony ?—Yes.

791. Had the selections of men to go to the colony any reference to the nature of the crimes which had been committed by the men ?—No, with the exceptions already stated.

792. (*Chairman.*) Except that some were excluded ?—Yes.

793. (*Sir J. Pakington.*) Does not the system that you have now sketched in your answers make it impossible for any Court of Justice in England to know what is the real tendency and effect of the sentences there passed ?—The Act of 1857 provides that any man under sentence of penal servitude may be removed to any colony that is willing to receive him, and therefore it is quite uncertain, when a sentence is passed, whether he will be removed to a colony at all, or remain at home. It was different in former times ; the rule before 1853 was that every man was transported who was capable of earning his living when he got out to the colony, and who was fit for embarkation ; but under the Act of 1853 and 1857 it is different. From the short sentences and the legal difficulties under the Act of 1853 comparatively few have been sent during the last five or six years.

794. I believe that between 700 and 800 were sent out last year ?—Not quite so many, I think, but we shall send out 1,000 next year.

795. But it was not known in any of those cases whether the men would go to the colony or not ?—No; the uncertainty rests partly upon the provisions of the Acts of 1853 and 1857, and partly upon the demand for labour on the public works at home and abroad.

796. In point of fact, under the present law, although transportation is in several hundred cases carried out, the sentence of transportation is never passed ?—The sentence of transportation was abolished under the Act of 1857, but the power of removal to any colony willing to receive men under sentence of penal servitude was retained.

797. Have you had any means of forming a satisfactory opinion as to the comparative deterring effect of a sentence of transportation and a sentence of penal servitude ?—What the men most dread, in my judgment, is imprisonment. It is very difficult to frame any punishment which shall be equal upon all classes ; but I think that when

Major-General Sir J. Jebb, K.C.B.

10 Feb. 1863.

there were three distinct periods, as laid down in 1848, and from that date to 1852, namely, separate confinement for 12 months, with associated labour for a period in proportion to the sentence, and the removal to a colony of a convict under sentence of transportation, the question was solved; two of those periods were probably deterring to every individual who passed through them.

798. Your answer, I think, amounts to this, that the dread of the first portion of the sentence under the present law exercises a deterring effect; but that does not quite answer my question, which was whether you had formed an opinion of the comparatively deterring effect of a sentence of ultimate transportation, or a sentence of penal servitude?—It would depend entirely upon the amount of imprisonment that preceded the removal. If a sentence of penal servitude were carried out in this country for a certain time unconnected with transportation, that would, I think, have a more deterring effect than half the period of imprisonment followed by transportation. They would fear the amount of the imprisonment; and to that extent it would be deterrent.

799. Do you think, the question having so very important a bearing upon the ultimate fate of a man, whether that imprisonment is to be followed by transportation or followed by release at home, that it makes no difference in the deterring effect produced by the sentence?—I can hardly pronounce a decided opinion upon that farther than this, that I felt satisfied in 1852 and 1853, at the time when transportation was rather uncertain, that I could have obtained any number of volunteers to embark for Van Diemen's Land. The men would have preferred the change to remaining another six months or 12 months at Portland. I recollect stating that in evidence before a committee.

800. Do you think that the hope of getting ultimately to the gold district had any effect?—I think that is very likely from Van Diemen's Land; but I may mention that some convicts have returned from Western Australia, and have given accounts of its being a desolate country, and of the privations to which they had been subjected; there is not now, I think, that feeling in favour of disposal by transportation that there used to be.

801. Do many convicts return?—I think that some go away after the expiration of their sentences.

802. Is not that a very limited proportion?—Yes, but still they come back, and the history they give gets known to others.

803. You stated in the earlier part of your answers to the Chairman that you thought if convicts were, on receiving tickets of leave, reported to the police, it would diminish their chances of obtaining honest employment. Do you think it would be difficult so to regulate the reports made to the police as to prevent them having that effect?—It would require the greatest possible precaution to prevent it. It has been tried in France for 50 years, and even under the haute police of France, with the most disastrous effects. The system of police superintendence first appeared in a definite form in the Code Napoleon in 1810, and the effects were so disastrous that in 1832 it was revised by both Chambers, and some ameliorations were introduced into it, the chief one being that a man might choose the place that he would go to, except to large towns; but he was still to be under the close supervision of the police, to have his passport distinguished from others, and to be under effective supervision. The consequence was that they could not obtain employment, and the effect of it was prejudicial to the public interests; the sufferers became quite reckless. In 1844 this again attracted the attention of the whole country, and the Minister of the Interior sent circulars to all the departments requesting information,

and he received the most distinct evidence that nothing could be worse than the operation of the system of police supervision in France. It appeared, from the documents I referred to, to be condemned by all thinking men. It still stands in the Code.

804. (*Mr. Waddington.*) By the law of France the superintendence of the police is part of the sentence? — Yes; certain specified categories of crime involve, in addition to a sentence of imprisonment, I think, five years' supervision of the police afterwards, and it is this supervision which has been carried on under the haute police of France.

805. Has there not been some recent change in France as to the mode of applying that?—I am not aware of it. I find the same clause in the Code of 1862, and assume therefore that it is in operation. I can give the opinions of some eminent men upon it: "Its failure in France has been described by Béranger in his great "work entitled 'De la Répression Pénale,' &c. He says that to "liberated prisoners, disposed to live honestly, the surveillance of the "police is a burden, which, like the chains they have dragged about, "holds them up, at all times and in all places, as criminals, deprives "them, therefore, of the resource of obtaining employment, and to the "great detriment of society exposes them unceasingly to the tempta- "tions of again entering upon a course of crime. The views of "Béranger, in regard to the effect of police supervision in France, are "confirmed by the eminent jurist Baron Holtzendorff, in reference to "Prussia. He says, 'It may be asserted that the indiscriminate ap- "'plication of supervision, no regard being had either to good or bad "'behaviour of prisoners, is a direct source of new crimes.' 'There "'are certainly some cases where precaution is required and suspicion "'justified; but there are many other cases where the final reformation "'of discharged convicts depends upon their being treated with con- "'fidence.' Baron Holtzendorff continues, 'In France and in Prussia "'police supervision is little more than a moral stigma, a predestina- "'tion to a career of crime, that employers are deterred from any "'communication with discharged convicts placed under the super- "'vision of the police.' 'The benevolent societies, operating for the "'purpose of procuring employment for discharged prisoners, must "'conceal the fact of existing supervision; for, if it becomes known, "'a prejudice arises against them which they cannot overcome.' 'In "'Prussia, at least,' he goes on to say, 'it is almost universally ac- "'knowledged that police supervision, as a necessary and absolute "'consequence of judicial sentences, is a legal contradiction to any "'hope of reformation.'"

806. Do you draw the inference from those passages that it would be impossible or even difficult to exercise by judicious arrangements an effective supervision by the police over those persons who are, by the mercy of the Crown, at large under tickets of leave?—I think it would be a very great obstacle to those who are endeavouring to do well, but I should be anxious to see a close supervision exercised over those who were doing ill, or engaged in criminal courses.

807. Would it not depend as to whether it had a good effect or not upon the arrangement under which it was carried out?—I almost doubt the possibility of carrying it out; for, as it was observed just now, if a man who had formerly been a thief was in a post of confidence, and in places were there were great facilities for robbery, it would be almost the duty of the police to inform against him.

808. That would depend upon the arrangements made, would it not? —Yes, but to some extent it would be his duty to do so now. He could scarcely do otherwise.

Major-General Sir J. Jebb, K.C.B.

10 Feb. 1863.

809. (*Lord Cranworth.*) You stated that if there is any outbreak or misconduct on the part of the persons employed on the public works, they are sent by way of punishment to separate cells?—Yes.

810. Will you be good enough to explain what the separate cells are?—At Portland almost the whole of the prisoners have small separate sleeping cells, but we have 30 large stone cells; and there are about 30 brick cells at Chatham for the purpose of receiving prisoners who require to be kept separately confined for any period.

811. When placed in those separate cells, are they in solitude, or are there several prisoners in the same cell?—They are all entirely separate, and it is in those cells that the punishment of three days' bread and water is carried out.

812. Is the diet the same when they are in those cells after having for three days bread and water?—The punishment diet is one half the usual diet after the three days' bread and water.

813. The medical testimony led you to the conclusion that a certain diet is necessary in consequence of the hard labour performed by the men; but supposing the labour was much less or of a lighter nature, then I presume that much less diet would be sufficient?—Yes, much less diet.

814. Does it not result from that, that the attempt to get a useful product from the labour of the men in being employed upon large works leads to the necessity of a diet which makes the terror of imprisonment much less than it would be if there was not that hard labour?—I doubt the possibility of making use of it to deter others from crime, because you could not persevere in giving short diet for any length of time.

815. Not with very light work?—No, I do not think you could. I think they would dread the hard labour more than they would such a diet as could be made a punishment.

816. It appears to me that if the employment of the convicts upon hard labour creates a necessity for good diet, and if the good diet tends to diminish the deterring effect of the penal servitude, the employment of the same men upon lighter labour, at which they would require less food, would have a beneficial deterring effect?—But the sentences contemplate hard labour, even during imprisonment, and it is moderate hard labour in a convict prison, because it is not penal labour in the strict meaning of the term.

817. But you must not lose sight of the necessity of having the highest amount of deterring effect in any sentence?—I think it would operate in this way: suppose you gave light labour and light diet, some men would prefer to perform the hard labour with full diet, and some the reverse.

818. Do you think that the knowledge that a convict, when employed upon public works, has the diet which you have described, does practically have a deterring effect?—Probably not. Convicts and the criminal population are aware that they are considerately treated, and they must be. There are only two ways of dealing with men—either to drive them or lead them. If you drive them, the public suffer from the effects of the demoralization, and if you lead them they gain by a large proportion being reformed.

819. Can you say whether the diet which the convicts now have is more or less, or the same, as is allowed in the army?—It is a different thing. The soldier gets his pound of meat and his pound of bread, and has his pay, and can go and supplement that by what he pleases, at the public-house, or at the canteen; it is, however, a remarkable fact, that the diet in the hulks in Howard's time, in 1780, was infinitely

better then than it is now. He describes what he found on board the "Justitia" hulk at Portsmouth. Each mess was for six men, with 7 lbs. of bread daily. Breakfast each day, a pint of barley or rice, made into three quarts of soup. On Sunday, 6 lbs. of salt pork, or 7 lbs. of beef, with five quarts of beer. Three days a week, 2 lbs. of cheese, with five quarts of beer. The other three days, 6 lbs. of bullock's head; supper, a pint of soup, or burgoo. The labour was not compulsory, and such as volunteered got the King's allowance in extra diet and beer.

820. (*Mr. Russell Gurney.*) Does the necessity for a somewhat generous diet arise from the hard work the men perform, or is it necessary in order to counteract the depressing effect of imprisonment?—I think that both those causes have to be met. In separate confinement I know that it is the depressing influence alone, as the work is light, but when they come on to the public works there is the hard work to perform. In the correspondence that I had with reference to the diet at Portland, it was shown both by the evidence of the governor and the medical officers, that the men were unable to carry on the hard labour of quarrying unless they had a little higher diet.

821. Do the Irish convicts suffer from the four months they are without meat?—I should think they would if the diet were insufficient.

822. But do they in point of fact?—I do not know; but it is a fact ascertained by medical science with regard to diet, that in long sentences it is absolutely necessary to begin from the commencement with a high diet; if a man is ever much reduced below a certain point in health it is very difficult to get him up again; that was the opinion of Sir Benjamin Brodie, and also Dr. Fergusson and others. Therefore I should think that the short diet of four months was prejudicial, if it really were insufficient. There may be a question upon that point. A meat diet in Ireland may not be absolutely necessary.

823. (*Chairman.*) That only applies, I believe, to separate imprisonment limited to nine months?—No.

824. (*Mr. Russell Gurney.*) You stated, I think, that you were aware that criminals preferred a sentence of three or four years' penal servitude to 18 months' or two years' imprisonment?—Yes, remembering that those sentences of three or four years are reducible to two and a half, or three and a quarter.

825. To what do you attribute that circumstance?—To the fact that it is much milder discipline than exists in the county prisons.

826. Is there any objection to having the same discipline in the convict prisons for the first portion of the imprisonment as there is now in the county prisons?—That is a point on which I feel much interested, for I think that in cases of re-conviction the convicts ought to be subject to a more severe discipline, a longer period of separate confinement, deprivation of privileges, &c.

827. When a judge sentences to three years' penal servitude, it is because he thinks the offence is one that calls for a severer punishment than when he sentences a man to 18 months' imprisonment?—Yes, and I think that if that question had been understood at the time when the Act of 1857 was passed, a different arrangement might have been made; it was not expected that those short sentences to penal servitude would have formed so large a proportion.

828. What is the objection to having the first period of the imprisonment as severe as imprisonment in the county prisons?—The object for which penal servitude, as it now exists, and as it has existed since it was introduced in 1848, was to train the men for their release,

Major-General Sir J. Jebb, K.C.B.

10 Feb. 1863.

either at home or abroad. Looking to the length of the sentence and the circumstances, the penal features were diminished, and the greater effort was thrown into the industrial training and the endeavour to reform.

829. Surely there is industrial training in the county prisons ?—Yes; but it is usually more penal ; and it is difficult to combine the two objects of punishment and reformation during short sentences.

830. If you had various stages in the course of punishment, you might always have one stage which you find by experience a criminal most dreads ?—Yes ; but all this was very carefully considered ; the objects in view in administering a sentence of penal servitude were never lost sight of.

831. You still think that the first object is to have a punishment which shall be deterrent ?—Yes, considered as a whole. It should be deterrent to those who are out of doors. It is the long period of imprisonment under a sentence of penal servitude that may be assumed to possess a sufficiently deterrent aspect to those out of doors. If short it should be severe.

832. If you find by experience now that these men do not dread penal servitude, although it is of much longer duration than a shorter term of imprisonment, surely, then, the object which you have is not gained by the present system ?—That has been one of the great difficulties that has arisen from the practice of throwing into the discipline of penal servitude those very short sentences, for which it is not adapted.

833. But in short sentences, or in long sentences, why should there not be one stage which you find in practice is the most deterring ?—It would interfere in a great measure with the industrial and moral training of the larger proportion of the men.

834. Not in long sentences ?—You cannot make separate confinement more deterrent than it is, the fact of a man being locked-up alone is deterrent enough for anybody. If you put a man to penal labour (and that is the mode in which the Act of 4 Geo. 4. appears to contemplate that the sentence to hard labour shall be carried out), it would interfere with the moral effect, and with the objects you had in view in training him for ultimate release.

835. Your idea is, that imprisonment in the county prisons is not calculated to improve a man ?—I think the fact of the re-convictions generally would warrant the belief that it either fails in the deterring or the reformatory effect. I hope this Commission will take into consideration the very important question of prison discipline.

836. Have you at all considered the desirableness of having some sort of discipline and punishment for convicts, whatever the nature of their offence may be, for instance, offences of dishonesty and offences of cruelty ?—With regard to offences of cruelty and violence, I should certainly desire to see some corresponding punishment added to any other sentence of penal servitude or imprisonment ; I believe flogging, in addition to a sentence, would have a repressive effect.

837. You think that for a man who inflicts bodily pain upon others, bodily pain might be a fitting punishment ?—Yes ; for example, when a convict strikes a warder, he is usually sentenced to corporal punishment.

838. What is the effect of that punishment ?—It has a repressive effect. I do not think that a man would like to try it again.

839. (*Mr. Bouverie.*) Do you find that they actually do so again ?—No, I think not.

840. (*Mr. Russell Gurney.*) Does that counterbalance the effect of what you call the moral training ?—I am alluding to the kind of men

Major-General Sir J. Jebb, K.C.B.

10 Feb. 1863.

who do not profit by it. I can state my opinion very shortly with regard to the county prisons ; it was thus stated in the Memo. of 1856. I said, " In considering the present system of secondary punishment, " increased stringency would appear necessary of county and borough " prisons, combined with greater encouragement to good conduct, and " above all assistance to prisoners on discharge. It is no small class to " which this would apply, the number annually convicted and imprisoned being from 70,000 to 80,000, of whom about 30 per cent. are " re-committals."

841. (*Mr. Waddington.*) Do you mean government assistance ?—No, private assistance ; but an Act was passed in the last session of parliament which enabled magistrates to give 2*l.* in the way of assistance to a prisoner on his discharge, from the public funds. That I consider a step in the right direction.

842. (*Lord Cranworth.*) The Prisoners' Aid Societies are all voluntary, I presume ?—Yes.

843. (*Mr. Bouverie.*) You spoke of treating re-convicted persons with greater severity, have you anything to suggest about that ?—In my memorandum of 1856 I proposed that " the worst classes of criminals, should be effectually prevented doing mischief to others, either at " home or in the colonies, by much longer periods of confinement on " public works than have yet been resorted to. By long periods I " mean eight or 10 years, or penal servitude for life ; these terms will " effectually break up all former associations, and greatly reduce the " chance of a man again resorting to crime. If from circumstances " it should be absolutely necessary afterwards to release any such " prisoners at home, they might be placed under the close superintendence of the police, with a ticket of leave, and another conviction " should ensure confinement for life."

844. With reference to that class, you contemplated that a person should be put under restraint for life absolutely ?—Yes ; I referred to " burglars, robbers, and highwaymen using violence, receivers of " stolen goods, re-convicted prisoners following crime as a profession, " to be so dealt with." And stated further my opinion that if such system were adopted, " I could not but hope that it would secure a more " effective punishment than either transportation or imprisonment " have afforded for many years past ; and if it were combined with " preventive measures vigorously applied, it might be anticipated that " the crime of the country would gradually be diminished."

845. (*Mr. Russell Gurney.*) Have you sufficient accommodation at Millbank now to take in all the prisoners who are sentenced to penal servitude ?—Our accommodation up to this time has been amply sufficient ; we have had in the last five or six yearsn early 1,000 vacancies in the convict prisons, but it is being filled up now.

846. (*Mr. Henley.*) Can you state the proportion of the convicts that go to what may be called the invalid prisons at Dartmoor and Woking ?—It is very much increased ; formerly it was from 12 to 15 per cent., but I think now the invalid class have accumulated, and cannot be less than 25 per cent. None can be transported, and they are frequently re-convicted from not being able to earn their livelihood.

847. You mean those who are incapable of hard labour ?—Yes, the light labour men of that class go to Dartmoor ; the confirmed invalids go to Woking, which is a kind of hospital.

848. The convicts, before they are removed from the county prisons at all, are certified to be fit, by the surgeon of the prison, for removal, so that there is a class that you have nothing to do with ?—There are very few who are left permanently in the county prisons I think.

Major-General Sir J. Jebb, K.C.B.

10 Feb. 1863.

849. However that may be, if a convict is not certified by the surgeon of the prison to be fit for removal, he is not removed at all to a convict prison?—That, I believe, is the case; and perhaps it is a necessary restriction. If he were not fit for removal he would hardly be removed.

850. In some cases they are sent back, are they not?—Yes; there have been cases of that kind, but chiefly, I think, of women; women found to be with child are sent back.

851. But the men are sent back sometimes, are they not?—Yes; they must be free from disease, or they cannot be received.

852. You have told us that with reference to the value of the work done at Portland, there is an account published of the quantity of work done?—Yes.

853. Would there be any difficulty in having that work valued at the ordinary price?—The quantities are accurately given, and the value at fair contract prices affixed.

854. By whom is its value ascertained?—It is done by the authorities at the prison with reference to the contract prices of the place.

855. The value is ascertained by a comparison with the contract prices which would otherwise be paid?—Yes; the rate per ton, or superficial foot, is affixed, so that any one may form their opinion.

856. What result does that give as to the value of each convict's labour per day?—Referring to the report, I see there was an average daily number employed throughout the year 1861 of 1,495, and they have been employed as follows:—

On breakwater works, daily	594
West and south-west ditches, Verne Hill	224
South ditch, ditto	43
War Department	283
Prison	167
	1,311
Average number, non-effective, as men at school, sick, under punishment, &c.	184
Average daily throughout the year	1,495

DETAILED STATEMENT of the Value of the Labour of the Convicts as executed upon the Public Works, from which the following is an Abstract:

	£	*s.*	*d.*
Breakwater	20,237	10	1¾
West and south-west ditches	8,902	13	7¼
South ditch	1,368	17	11
War Department	8,167	8	1
Prison	3,959	19	11¾
	£42,636	9	8¾

At Portland the men who are actually employed earn more than the entire cost of their maintenance, but there is a dead weight upon them in the shape of all those who are retained for the purposes of cooking, cleaning, and washing, and the invalids, &c.

857. Does the statement referred to make any allowance in the values that are put upon the produce of the quarries, and the work of the men for the plant of which they have the use?—No, that comes into account with the Admiralty and the War Departments.

858. But still that has to be deducted from the value of the labour ? —Yes, I have accurate accounts of all that; the quarries at Portland which have been worked out for the breakwater are very extensive; the plant required for the quarrying has cost at the rate of about 3*d.* a ton, and the haulage which is done over railroads by locomotive engines to a certain point, called the drum, by which it is lowered to the breakwater, has cost, I think, about 2½*d.* a ton more; perhaps from 5*d.* to 6*d.* a ton altogether would be the whole of the charges upon it; whereas the contracts which have been entered into by the Admiralty and the War Departments have been as high as 13*d.* and 17*d.* *Major-General Sir J. Jebb, K.C.B.* 10 Feb. 1863.

859. What I want to know is this, is the charge, whatever it amounts to for railroad plant and so forth, deducted from the value you put upon the convict labour ?—No.

860. Then the convict labour stands in gross ?—Yes.

861. The value of the labour, therefore, is subject to that deduction whatever it may be ?—Yes, we charge the full value at contract prices.

862. Is any allowance made there for getting the quarry into working order and all those things that are necessary before it can be made profitable ?—No; but I think that was very soon done in the first years of the establishment, for there was much loose rubble to remove.

863. Then the account which you give shows the proceeds of the labour after the place had been got into working order in the previous years ?—Yes, but this particular account is for 1861.

864. (*Lord Cranworth.*) The result, as I understand you to state it, is, that the Government having prepared at Portland certain machinery and certain matters necessary for the work to be done by the convicts, their work was worth 42,000*l.*?—That is the gross value of the work as it would be paid for to a contractor. When you come to make it into an account you have to deduct the plant and the haulage—those are the two items to be deducted, say 5*d.* to 6*d.* a ton. I would, however, beg leave to submit some further explanation upon this important point. App. No. 3 a.

865. (*Mr. Henley.*) Can you give us any statement as to the comparative quantity of food which an ordinary labourer consumes, as compared with those convicts ?—No, because it varies so much. Men who get good wages live exceedingly well; for instance, the navvies eat and drink a vast quantity.

866. I observe that the allowance to your men is 3 lbs. of solid food and rather over per day, comprising 16 oz. of potatoes, 24 oz. of bread, 6 oz. of meat without bone, and 2⅓ oz. of suet, amounting together to 48 oz., or 3 lbs. of solid food per day ?—Yes.

867. They also get a pint of cocoa or tea, a pint of soup, and a pint of gruel per day ?—Yes.

868. Are you able to give the Commissioners any information as to how far that is or is not a larger or smaller quantity of food than the ordinary labourer consumes ?—I really am not. I do not know what an ordinary labourer would take, or could obtain.

869. A soldier, you say, is allowed 2 lbs. a day, that is, 1 lb. of meat and 1 lb. of bread ?—Yes, but that is before it is cooked.

870. Whereas the other is cooked meat ?—Yes.

871. The difference between the cooked and the uncooked meat without bone is something more than 30 per cent., is it not ?—It varies with the quality of the meat, but taking an average of months together it might be something like 30 per cent.

872. You have stated, as the result of your experience, that the men in confinement require a larger amount of food to sustain them

Major-General Sir J. Jebb, K.C.B.

20 Feb. 1863.

than the men who are not in confinement?—Yes, and that is the result of a very extended experience; but that is more on medical evidence than my own.

873. By feeding men in a mess, as you are compelled to do, you are obliged to take an account of the large appetites as well as the small ones?—Yes, and for the reason that I have already given that there would be immediately a number of complaints of hunger, the medical men would be obliged to attend to them, and that would very much derange the discipline.

874. Do you know what amount of food is allowed in the navy per day to a man?—I do not.

875. You have been asked questions with reference to a smaller amount of work and a diminished quantity of food, and you have given it as your opinion that that system would not work satisfactorily?—I think it would not.

876. A man doing less work would probably be less hungry, would he not?—Yes, and perhaps not require the same amount of food; but I think it is better to give them enough to eat, and to work them hard; that has always been the principle.

877. Is it the result of your experience, that if a criminal class are quite in a state of idleness they do not require so much food as if they were made to work hard?—Yes, if they were out of doors that would be the case, but not in solitary confinement.

878. I understand you to give a distinct opinion that the great improvement would be to lengthen the number of years of penal servitude?—Yes, I think it would be well to cut off the shorter terms under the Act of 1857 to a minimum of perhaps five years, and to revert to the longer sentences of 18 months or two years imprisonment in the county prisons.

879. Now that that is conducted very much upon the system of separate confinement, would there not be great risk in carrying that out for a period much longer than it is now?—It would require the modifications which I have adverted to, in gradations of punishment. I think that the county prisons might be very much improved by the introduction of the principle of gradation, that is to say, that they should begin with a period of severe discipline, and having passed through that, it should be modified in classes or stages until the expiration of the sentence; I think a principle that is acting so well in the military prisons should be introduced into the county prisons.

880. Have you had any experience of the effect of 18 months or two years' imprisonment upon the men confined in county prisons?—No; but I had in Pentonville, and there I think the strict separation was too long in duration; but it would be quite possible to carry out that term, or longer terms if there were gradations of punishment, and if the men were brought gradually into a modified or partial association.

881. How far would the ordinary condition of the buildings in a county prison suffice for an extensive change in the system?—I do not think it would make any difference in the county prisons. It would be a matter of discipline in working the routine.

882. In what way?—For example, suppose you had a county prison holding 300 or 400 prisoners, and, for the sake of illustration, that they were all for equal periods; the first month might be passed in separate confinement with penal hard labour on the treadwheel, and another period might be passed with some employment that was substituted for hard labour. That is the principle that has been working with very great advantage in the military prisons for the last 18 years. Even though the periods are short, not exceeding, perhaps, more than

60 days, they do not undergo uniform punishment; they have three classes, each class varying in the penal features which belong to it. The men work through those with a great desire to get to the higher classes; but if they are unfortunate enough to come to the prison again as re-convicted prisoners, they have not the same advantage of getting into the higher classes. It is an encouragement to do well on the one hand, and deterrent on the other from the fear of the consequences on re-conviction.

883. When you speak of prisons containing 400, there are very few country prisons which contain anything like that number, and in the small prisons, where there are very few in each class, the difficulty of carrying out the system would be very much greater?—It would depend upon the circumstances. In our small military prisons we have only two classes. Suppose that a man sentenced for two months, the system of treatment would be rather more stringent in the first month than during the second.

884. (*Lord Naas.*) You have stated, I think, that your principal objections to the intermediate prisons are two. One is the association of the prisoners at night, and the other is the exhibition of persons undergoing punishment in so open a way?—I think that those are the main objections.

885. With regard to the first, the association by night is in consequence of a mere defect in the construction of the prison, is it not?—Yes, that could be easily remedied, but I should object to unrestricted association by day also.

886. Is the association by day in the intermediate prison at Lusk greater than the association in the gangs at Spike Island, or at Portland?—Yes, because they are not superintended to the same extent.

887. Have not the gangs at Portland every opportunity of conversing amongst themselves?—Yes, they have, but they are still under close superintendence.

888. The gangs generally consist, I believe, of 10 or 12 men?—Yes, and sometimes more; there are sometimes 18 or 20; it depends upon the kind of work that the men have to do.

889. Then, I presume, there is a warder to each gang?—There are warders in proportion to the numbers, generally: we have about 10 per cent. of officers.

890. Is conversation among the prisoners in gangs prohibited?—Yes, if it is improper conversation. The warders are about and near to the men who are working, and there is not much conversation going on—they are attending to their work.

891. But it is not prohibited?—No; conversation is permitted.

892. With respect to your second objection, you stated that you thought that it was a bad example to set before the public to see those men at work. Do you think that such an example would have the effect of preventing persons from employing the men afterwards?—No, I think it might facilitate it; but if it be an object that the punishment shall have a repressing effect upon the public, and it is that which is lost by exhibiting discipline in the form in which they may view it now at Lusk. The opinion I formed of Lusk was that it would have been perfect if it had been connected with a workhouse.

893. Do you not think, on the contrary, that the exhibition of a number of prisoners working at Lusk almost without restraint would have the effect of decreasing very much the apprehension which exists in the public mind as to the employment of those men, and rather lead them to the conclusion that it is possible to effect a great moral change in the dispositions of such men?—Yes; but it is admitted that it is

Major-General Sir J. Jebb, K.C.B.

10 Feb. 1863.

the previous discipline on which dependence is placed, and not the discipline at Lusk. What I was referring to was the loss of the repressing effect upon the men out of doors who were likely to fall into crime.

894. (*Mr. Waddington*) You mean, I think, that it had rather an attractive effect upon those persons?—Yes, I think that would be the effect upon the poor who were looking on.

895. (*Lord Naas.*) Are you aware of any instances in which the exhibition of those prisoners has had that effect, either upon the criminal class or upon the public generally?—No, excepting in the great increase of crime that has occurred lately.

896. You stated, I think, that you were in favour of a certain amount of reformatory treatment taking place, if possible, between the time of a man being employed on the public works and his release?—No, I think not. The whole course of the discipline is reformatory, from the beginning to the end; we have different stages. The question was whether a man should be brought back into separate confinement; that, I think, is really an open question, but that puts in very strong opposition my views, as compared with those entertained in Ireland about the intermediate prisons. Instead of unrestricted association I should prefer bringing convicts back for a month or two into separate confinement.

897. You think generally, without going into the question as to how it should be done, that a certain amount of reformatory treatment would be advisable after a man had passed through a certain portion of time on the public works?—Only if in separate confinement, in order to make him reflect and to give the officers an opportunity of communicating with him, and of ascertaining the prospect which he had of obtaining employment on being released; that would be the best way of disposing of them, I think.

898. Would it not be very difficult to effect that without unfitting a man to a certain extent for employment when he obtained his liberty?—Not if it were done for a moderate period, and not for a long period. The objections taken to that by the Chairman the other day proved that a man would be less fit for battling with the temptations of life on coming out from a long period of separate confinement than from but a short period. After having gone through associated labour at Portland, I should have no objection to a short period, a month or even a fortnight of separate confinement, with a view to a man being talked to and instructed a little as to his future prospects.

899. But still the intermediate system has this advantage, to a certain extent at all events, that it is more of a reformatory system than the public works system, because they have more instruction, the aid of a lecturer, and other modes of instruction—a system of treatment which you could not extend to men employed on public works?—I doubt whether they have more instruction. The schools at Spike Island I must say were admirable; there is no school scarcely at Lusk, except on the two evenings when Mr. Organ goes over to lecture. I think, as far as I could judge, that the school instruction at Spike Island was in greater force than it was at Lusk.

900. Do you make no difference between the hours of labour at Spike Island and at Portland?—I should think most likely they are the same; but I should say, as to the work at Spike Island, that no account was kept at all of the quantities there, or of the value. I found that the number of the men employed there was put down, and the wages earned by others out of doors merely were affixed to

the names; but there are no detailed accounts kept such as we have at Portland.

901. There is no measurement of the actual quantity of stone quarried?—So I understood.

902. (*Mr. Waddington.*) What is the work that is done at Spike Island?—There is a good deal of quarrying there, and the moving of stone; it is only recently that they have done that upon rails as they do at Portland; they used to draw it by 18 or 20 men harnessed to a cart, and nothing could be worse than that, either in regards to industrial training, or to the application of labour.

903. (*Lord Naas.*) Upon what principle do you select the special service men who are now working at Broadmoor?—They are men who are near the end of their period of confinement, not having more than six months to run; they are also men of good character, tradesmen, and such as may be made most useful, there are labourers also.

904. Is their treatment comparatively easier than the treatment of the men at Portland?—It is very much the same, but they are not superintended to the same extent, one warder only to each party.

905. What work are they now doing at Broadmoor?—They are making the roads and terraces, and are employed at all kinds of labourers' work, such as making the fences, draining the ground, planting, and making the place ready for the reception of the inmates.

906. Do they enjoy any greater amount of freedom than the men do at Portland?—No, except that they have not the same amount of superintendence; they are rather more trusted.

907. (*Mr. Waddington.*) Are the warders at Broadmoor in the same proportion?—Not quite.

908. (*Lord Naas.*) They work in a place from which an escape would be comparatively easy?—Yes, they could escape, for there are woods all round them, and only one man has ever attempted it.

909. Has it been found to be the same at Woking?—Yes, that was a bushy place, from which they could have escaped at any moment; but one man only went away from Woking, and we have had men there for three or four years. I went down to Broadmoor a short time since, to meet the Bishop of Oxford, who came to consecrate a small burying ground. The prisoners expressed an anxious wish to be present, and I desired the chief warder to march them down to the place. They fell in by the side of the wood, in line, on each side of the gateway, and sung a hymn to the Bishop as he came up, and another on his going away. Every one of those men could have run away if they had pleased, and we had only five warders there. I went down with a friend on another occasion and asked the chief warder to show us the books; at last he produced the defaulters' book, and showed that there was not an entry in it. I asked, "How long have you been here?" he answered, "Six months." He had had 120 convicts, and there had not been a single fault of any kind to place on record.

910. You found that that system of trusting them to a certain extent was successful?—Yes; but it depended on previous training.

911. (*Mr. Waddington.*) Were those men picked men?—They were selected men, and had not more than six or eight months to remain.

912. (*Lord Naas.*) I suppose they were some of the best men you had?—Yes.

913. (*Lord Cranworth.*) They were persons who had very little to gain by running away, and a great deal to lose by doing so?—Yes, we endeavour to enlist their own interests at all times. Indeed it is necessary to do so if reformation enters into the question.

914. (*Lord Naas.*) You have stated that your objections to anything

Major-General Sir J. Jebb, K.C.B.

10 Feb. 1863.

like police supervision over the men on ticket of leave is as strong as ever it was?—Yes, with regard to the, towns and men intending to do well.

915. Suppose that a system was adopted in London, for instance, as has been adopted in Dublin, that an officer or two connected with the convict service should undertake the duty of supervising the men on ticket of leave, and that they should act under a certain regulation as to where and when they should meet those men; do you not think that a very effective system of supervision of that kind could be established, which would not be open to the objections you have urged to a regular police supervision?—It is a thing that I have always advocated, and it is what is going on now, imperfectly organized, under the supervision of the Prisoners' Aid Society, but I would rather have it under the Convict Department, if I could obtain authority and the suitable officers.

916. A system of that kind would depend, would it not, for its success almost entirely upon the character of the men who carried it out?—Yes, it would.

917. Do you not find that one of the great defects of your system is the impossibility almost of gaining any accurate information as to the fate of the men after they have left your care, whether they are released on ticket of leave or after the expiration of their sentence?—We know much more about them than is supposed. The payment of the gratuities alone keeps them under our own eye for four or five months. Those payments are made regularly, and you would be surprised to see the number who have substantiated their claims to the balance retained in hand.

918. Where do they come to for the purpose of receiving their gratuities; to an office?—They apply on a form to the governor of the prison, and their claim to the gratuity is certified by a clergyman, or a magistrate, or some one of respectability, that they are earning an honest livelihood; then a post-office order is sent to them if they are in the country; if they are in London they are paid through the police.

919. They have no personal communication with any officer of the convict service?—No.

920. Will the police certificate be sufficient to obtain them their gratuities?—Yes; some are certified by the police, but some years ago Mr. Waddington rather thought that the clergymen, magistrates, and others signed those certificates upon very insufficient grounds, and that the men obtained their gratuities upon easy terms. He thought that it would be very different if the gratuities were paid by the police. I said, "My only object is to find out the truth, and I have no objection "to their being paid by the police." The consequence was that I was placed in communication with Sir Richard Mayne, and the gratuities for a considerable time past have been paid through the police, they making all the inquiries that were necessary to satisfy themselves.

921. Have you found that inquiries made by the police, in order to justify them in recommending a man for his gratuity, have materially interfered with the employments in which the men were engaged?—No, because one single man would probably have the management. It is not trusted to the police generally, and has been very carefully managed to avoid that difficulty.

922. Do you not think that if the same care were taken the same system could be extended generally to all ticket-of-leave men now?—With great care as to the payment of the gratuities it might be done with the limited number that are released, but I will state what the result of the arrangement with Sir Richard Mayne was:—I first received a list of 100 names with the date of the men's release, the

amount of the gratuities, and the periods when they had been paid. Out of those 100 names there were only two who had failed to make good their claims to receive their gratuities, and of those two one of them was doubtful. That has been going on now for some years. I have recently received another return of a larger number, with a similar result.

923. Are you of opinion that the supervision instituted by the direction of Sir Richard Mayne was really effective ?—Yes, of course it was.

924. Was the occupation of the men stated in their applications ?—The police looked after and verified that carefully.

925. It was stated in their application where the place of the men's employment was, and the nature of their employment ?—Yes. Sir Richard Mayne was enjoined to make particular enquiries, and to satisfy himself that a man was earning an honest livelihood.

926. You have no doubt that the reports that were made to you were true ?—I cannot doubt it. As to the Prisoners' Aid Society, the agent who looks after them in some cases pays them weekly part of their gratuities, and assists them in other ways, and acts, to a certain extent, as Mr. Organ does. They do not trust the men under the surpervision of the police in Dublin, and I should be glad to do what is done in Dublin to secure for them employment. In the case of a man who returns to his own parish in the country, if they receive him at all, they will receive him kindly, and it would be no hindrance to that man were he to report himself at the police office the first moment he arrived. Every one in the parish would know him.

927. Then, in fact, your objection to police supervision only applies to towns in the rural districts in Ireland ?—It would not operate, I think, prejudicially in the rural districts and not near the towns. In the simple rural districts in Ireland it can hardly operate one way or the other, I should think, especially during the few months the licence has to run.

928. Suppose the legislature thought fit to attach a much longer period of ticket of leave to a penal sentence, there would be no great difficulty in exercising a supervision of the nature you have described, and having it extended to the whole class of these men ?—In the country districts there would be none, but there would be very great difficulty in the towns. I would rather have a short remission in order to work the discipline, and let a man be released free, and then let the police apprehend him if he were engaged in crime. With regard, however, to atrocious criminals whose crimes and antecedents, or whose conduct in prison gave no hope of amendment—those men I should like to see under closer supervision, and they, in my opinion; ought to be so placed.

929. (*The O'Conor Don.*) Do not you think in the case of a man who wishes to do well, but is at the same time subject to temptation, it would be a great check upon his evil propensities if he were obliged to show himself to a police officer, say once a fortnight ?—Not the least; it would be a great hindrance to him in obtaining employment, but I think even with such a check he would be able to evade the supervision in one way or another. I should prefer a man trying to do well being placed under the convict department and not under the police ; the same agency is now employed, and, however imperfectly organized, it is an agency to assist him. It is exactly what Mr. Organ has undertaken with a view to assisting discharged prisoners in Dublin.

930. (*Mr. Russell Gurney.*) You would not object to having a special agent appointed to superintend these men even in London ?—No.

931. (*The O'Conor Don.*) I understand that you object to the

Major-General Sir J. Jebb, K.C.B.

10 Feb. 1863.

system adopted in Ireland in the first stage, the nine months?—I think it is not so good as at Pentonville.

932. For what reason?—In the first place I think that by imposing deterring and unpleasant labour you interfere with the means of giving religious and moral instruction, and in the next place a man's mind is not in the same state for receiving that instruction as it would be if he were set to employment such as weaving and shoemaking.

933. Do you not think that that is counteracted by the desire which deterring employment would create in him for useful employment?—I do not think so, employment in a cell is always liked.

934. They would, of course, prefer employment such as you have in England; but do not you think that the fact of keeping them at that disagreeable employment increases their desire for useful employment?—Possibly it may; but I think you are losing ground the other respects, and the means of keeping them in that state of mind which is the most favourable for moral and industrial training, and for receiving religious instruction.

935. Do you think that a class somewhat similar to the special-service men to whom you have referred, could be safely extended in England?—I would rather trust to the results of the discipline. As I have stated before, it is more for the convenience of executing the work than for any hope of moral good to be obtained from it.

936. Would you be afraid to trust any large proportion of the inmates of a convict prison in a similar position to those in the intermediate prisons in Ireland?—It must be under the same conditions, the men being very near the time of their being released, and a selected body.

937. Suppose the same conditions to exist, would you be afraid to trust a class in England similar to those in Ireland to any large extent?—I do not know that we could select any great number; 120 men out of perhaps 3,000 or 4,000, is a very small proportion. I do not know that I could select any very large proportion that I should like to trust on an open moor or near the woods, unless their own interests were strongly enlisted.

938. You would be afraid, then, to trust a great proportion?—Yes, they might run off. As long as the officers present are responsible for the safe custody of the men, they must either trust them, or have the means of preventing them from escaping.

939. If you would be afraid to trust them, can you wonder that the public are afraid to employ them?—I should be afraid to trust them in the matter of running away, but that has little to do with real character.

940. I think you stated that you considered the test in Ireland not so great, as many of them had but a very small portion of their sentences to undergo, but take a similar class in England?—I do not think that in England the public would value it as a test at all.

941. I am not talking of that, but as to whether you would trust these people; would you be afraid to institute such a class?—I should say that I have not any large proportion that it would be expedient to bring under that kind of discipline. The great proportion, I think, would be deteriorated too much, and it would be inexpedient to try it. I am averse as a general rule to anything like unrestricted association.

942. (*Mr. Waddington.*) Particularly in the neighbourhood of London, do you think any large proportion of them could be trusted to go out to carry messages?—No.

943. (*The O'Conor Don.*) I believe very few of the convicts in England forfeit the privilege of receiving a ticket of leave on account of their conduct in prison?—I have given the numbers.

944. You stated, I believe, that 67 out of some 2,000 odd forfeited the privilege ?—Only that number had to serve out the whole of their time on account of not deserving a remission. *Major-General Sir J. Jebb, K.C.B.*

945. What were the causes, referring to those 67, which compelled them to work out their whole time ?—Their conduct did not deserve any remission. 10 Feb. 1863.

946. Had they been guilty of gross misconduct ?—Yes, of some kind, or of persevering in small acts of misconduct which caused a forfeiture.

948. It is only in the case of misconduct in prison that a ticket of leave is withheld in England ?—Yes, they gain a portion of their remission every day, if they conduct themselves well. The records are very closely kept both of conduct and industry.

948. A sentence to penal servitude in England for five years is practically a sentence to four years, with a proviso that you may keep a man for five years if he misconduct himself ?—Yes.

950. As that is the case practically, would it not be as well to make it so nominally ?—That is rather beyond me to answer. It is a case for the discretion of the judge. I superintend the administration of the discipline, and carry out the orders of the Secretary of State to the best of my ability.

The witness withdrew.

Adjourned to Friday next at 12 o'clock.

Friday, 13th February 1863.

PRESENT :

Earl GREY.	Mr. HENLEY.
Lord NAAS.	Mr. WADDINGTON.
Lord CRANWORTH.	Mr. RUSSELL GURNEY.
Mr. BOUVERIE.	The O'CONOR DON.
Sir JOHN PAKINGTON.	Mr. CHILDERS.

EARL GREY IN THE CHAIR.

Captain FOLLIOTT POWELL examined.

950. (*Mr. Waddington.*) How long have you been engaged in the convict service ?—Six years and a half, within a few days. *Capt. F. Powell,* 13 Feb. 1863.

951. Did you commence as the deputy governor of Portland prison ?—I was deputy governor of Portland prison for three years and a half, and I have been very nearly three years governor of Chatham prison.

952. You are well acquainted, I believe, with the systems which have been carried out during that time at both those prisons ?—I have had the experience I have mentioned.

953. Are the systems in all their general features the same ?—I have endeavoured to assimilate Chatham prison to Portland prison precisely.

954. You went, I believe, to Chatham prison on its being first opened ? — No ; about three years afterwards ; upwards of three years. It has been opened six years and a half nearly.

955. Are they now, as nearly as possible, under similar regulations ?—They are so.

956. Both as to labour, diet, and discipline ?—In all respects.

Capt. F. Powell.

13 Feb. 1863.

957. Will you be good enough to describe to the Commission the discipline and the routine that takes place at Chatham, beginning in the morning, and take the convicts through the day; what time are they called upon to arise?—I had better take the longest hours, which extend over between seven and eight months of the year.

958. Just explain how the convicts are employed during a summer's day?—That I may be accurate to a minute I have made some notes upon that subject which I will refer to. The first bell rings in the morning at 5 o'clock as long as the light admits of the men going out to labour early.

959. What time do you allow them for preparing before they go out to labour?—It takes from 5 to 5.45 for the prisoners to rise and muster, wash themselves, and clean the cells and the wards; that is three quarters of an hour.

960. It is part of their duty, I believe, to clean their own cells and wards?—Yes.

961. They do not breakfast, I suppose, at so early an hour?—The above-named time includes the serving-out of the breakfasts; they breakfast at a quarter to 6.

962. Can you state exactly what the diet for breakfast is?—Yes; 12 ounces of bread and one pint of cocoa; that is the whole.

963. Does each man take that in his own cell, or in association?—Each in his own cell.

964. Is the cocoa sweetened?—Yes, with three quarters of an ounce of molasses.

965. What time is allowed them for getting their breakfasts?—Half an hour.

966. What time will that bring it to?—That will bring it to a quarter past 6.

967. How are they then mustered for the purpose of being taken out to work?—They are then unlocked and taken to chapel for prayers.

968. Does that take place every day?—Yes; the unlocking and marching to chapel, the time they are at prayers, and the marching from chapel again, occupies as nearly as possible half an hour.

969. Are they marched back to their cells?—No, they are marched back to parade.

970. (*Mr. Bouverie.*) What service have they at chapel; full morning service?—No; the service does not last above from 10 minutes to a quarter of an hour.

971. (*Mr. Waddington.*) Have you a chaplain and an assistant chaplain?—Yes.

972. What is the total number of convicts at Chatham?—1,100 is our supposed strength; sometimes a little more, and sometimes a little less.

973. 1,100 is the number for which you have separate cells?—Yes; every man has a cell to himself; we have sometimes a little more than that in consequence of some men being in the infirmary. We can take above that number.

974. (*Sir J. Pakington.*) Are they all in one building?—Yes.

975. (*Mr. Waddington.*) What is the next movement after parade?—Going to the working ground; that occupies about 15 minutes.

976. How long does that take?—About 15 minutes; it depends a good deal upon the distance of the different parties; some get to their ground in 10 minutes, others, perhaps, may be 20 minutes, but I think the average time is about 15 minutes.

977. What is the working ground where they are now employed?—

The greatest part of them are employed on St. Mary's Island, in excavating docks, navvies' work, &c.

978. A very large dock is in course of preparation there, is there not?—Yes, a very large extension of the Chatham Dockyard, with enormous docks, is in course of formation. The island has also been to a great extent walled round.

979. You mentioned the different parties; just describe into what number of parties they are divided, what is about the number of each party?—Altogether, including the prison parties, in which I include cooks, bakers, tailors, shoemakers, and artizans, we have 72 parties, generally speaking, when our strength is full.

980. How many of those 72 will go to the public works, to excavate in the island?—On the public works generally, I should say, about 55 of them, or 60; they vary.

981. What is the average number of the parties?—I should say about 55.

982. What is the average number of men in each party?—They vary very much, according to the nature of the work they are employed upon.

983. What is the largest and the smallest number in each party?—They vary from 10 to 25, I think; it may sometimes be lower than 10. I should say from 8 or 10 to 25.

984. Are there warders attached to each of those parties?—There is one warder to each party.

985. There would be no more warders to a party of 25 than to a party of 10?—If the nature of the work rendered it more desirable, and we had an officer to spare, we should attach him to a large party.

986. What number of warders have you in the prison?—We have 100 discipline officers, exclusive of the principal warders, of whom there are six, and one chief warder.

987. Making how many in all?—107 discipline officers.

988. Have you a deputy governor under you?—Yes, I have.

989. Is there any officer between the deputy governor and the chief warder?—None.

990. There is a governor, deputy governor, and chief warder, and the others whom you have described, a chaplain and assistant chaplain?—Yes.

991. Are there any other officers?—A medical officer and an assistant medical officer.

992. Are the cooking and other things done by the prisoners?—The cooking is done entirely by the prisoners, under the superintendence of a cook.

993. Is there only one cook?—Only one.

994. How many prisoners are employed in the cooking?—On the average about 12.

995. How are these selected, for their skill in cooking or for their good conduct?—Good conduct; they are very soon taught to cook.

996. (*Chairman.*) There is one cook who is a free man?—Yes.

997. (*Mr. Waddington.*) I suppose it is the duty of the warders to see that the prisoners exert themselves?—Yes, which they do.

998. Is it your opinion that they do work really satisfactorily?—After an experience of about six years I believe that they work quite as well as free men paid by the day, as far as their strength admits and their capabilities.

999. That will vary very much in different convicts?—Yes, very much so, but we look upon the willingness for work, not the exact amount of work done.

Capt. F. Powell.

13 Feb. 1863.

1000. I suppose they do not do so much work as free men would do if employed on task work?—No; I should say not, in the same way that free men, when paid by the day, will not work so well as on task work.

1001. We have understood from Sir Joshua Jebb that there were some gratuities given to the warders which bore some proportion to the work that was done by the convicts; will you just explain what that system is?—The warders do get a certain gratuity, and it is given principally, at least in the largest proportions, to those whose parties, from general observation and from the reports of the principal officers, are shown to have performed the greatest general amount of willing labour, and also the greatest good conduct combined.

1002. You said from the reports of the principal officers, do you mean by that that the chief warder and the principal warders examine the amount of work that is done?—There is a principal officer to every district. The works are divided into so many districts, and there is a principal officer in charge of each district.

1003. Is that one of the principal warders you have mentioned?—Yes, it is his duty. He is always on the spot, and he always perceives how every party is working; that is his duty; he goes from party to party, watching them. If a party is not doing the amount of work which he thinks they ought to do, and he sees them standing idle, the officer in charge would be reported by the principal officer for allowing his men to be idle.

1004. Is it the officer in charge who receives the gratuity?—Yes.

1005. When a report is made by the principal officer that the work done is satisfactory?—Yes; I am also frequently over the works, and I judge with my own eyes, and the deputy governor is constantly on the works, and he judges also for himself, and brings anything to my notice that he considers desirable.

1006. Both you and the deputy governor as a rule visit those working parties every day?—I do not. The deputy governor does every day, but my own avocations will not permit me to be every day on the works. There is a good deal of office work, which prevents me. As often as I can get on the works I do.

1007. Will you explain how a record is kept, as we have understood from Sir Joshua Jebb it is, of the account of the work done by each particular person?—I have brought up some books, and this book (*handing in the same*) will show the exact working of it. That book contains the daily report of the officer as to every man in his particular party. Every man has half a day's schooling during the week. The characters given in this book are collected together into a weekly account, and that book (*handing in the same*) contains an account for each week.

1008. (*Chairman.*) It appears that it is quite the exception when the letters V. G. are not set against them?—That party happens to be a very good working party.

1009. (*Sir J. Pakington.*) Who is responsible for the entries of the V. G., or whatever may be opposite the names of each of the men?—The officer in charge of the party puts his opinion of the men's work, and this is again checked by the principal officer in charge of the division daily.

1010. What means has he of checking it?—He is constantly present.

1011. (*Mr. Waddington.*) As I understand you, every man is distinguished by a number?—Yes.

1012. And the warder's report of his conduct is entered in a book? —Yes, into the officer's own book.

1013. How does that entry bear upon his chance of being recommended for a licence?—Almost everything depends upon that.

1014. Will you be good enough just to explain how that is?—If an officer considers that a man for any length of time is idle, he reports him to me for being habitually idle. He will report him even if he is occasionally idle, and if he is idle to any extent he will make an entry to that effect in his book, and that man will be reported, and he will be punished for it.

1015. What would be the nature of the punishment; are you speaking now of prison punishment?—Yes.

1016. Be good enough just to state what the punishment would be? —It would depend upon the previous character of the man, whether he was at the time in the first or second class. If he was a first class man, and it was his first report, he would, perhaps, be suspended from his classes for 28 days, to give him a trial, to see if he would improve. It would entail perhaps a forfeiture of about seven days of his remission, and he might recover, by subsequent good conduct, a portion of that, and that would depend again upon his after conduct.

1017. You say that he would forfeit seven days of his remission for a report, just describe how the period at which the good conduct entitles him to a remission is ascertained, what is the nature of the conduct which entitles a man to a remission according to the terms laid down in the notice of the Secretary of State?—Perfect good conduct and a good report of the labour throughout would alone entitle him to a full remission.

1018. You have laid down certain rules by which a certain degree of indifferent conduct would deprive him of a certain number of days? —Exactly so.

1019. Can you describe exactly what those rules are?—If it is a very unfavourable report a man forfeits a certain amount of the remission according to the nature of his conduct.

1020. (*Lord Cranworth.*) By a report you always mean an unfavourable report?—Just so.

1021. (*Mr. Waddington.*) That applies to reports for a neglect of work as well as his conduct and breaches of the prison regulations?— Yes, quite so.

1022. Besides the forfeiture of seven days of his remission, are there also other prison punishments, if so, be good enough to state what they are?—The punishments are founded a good deal upon a system of reward as well as punishment. They get into their first class by a continuance of good conduct, and they get into their stages by a continuance of good conduct. There are three stages on the public works; they first come into what is called the first stage; the time they are on the public works or they ought to be on the public works with a full sentence is divided into three equal parts, reckoning always one year from the date of their offence; for instance, in the case of a four years' man, one year would be reckoned from the date of his offence; and then on the public works the stages would be divided into three equal parts of a year each. If a man conducts himself perfectly well during the whole period of his first stage, and gets V.G. for labour, and gets no prison reports of any description, at the end of that year he gets into his second stage, to which certain little privileges are attached, the man is allowed to write a letter to his friends every two months instead of every three months; he is allowed to see his

Capt. F. Powell.

13 Feb. 1863.

friends every two months, instead of every three months, and if he prefers it he is allowed tea instead of gruel for his supper.

1023. That is the second stage?—Yes.

1024. Are there any badges which denote the progress of the convicts from one stage to another?—Yes; in the first class a man wears two red stripes on his arm, in the second class only one, and if in the third class none. If a man is in the first stage he wears no badge for that, in the second stage he wears two blue stripes in addition to the two red, and in the third stage he gets a different dress.

1025. Each of the stages is divided into three classes?—A man cannot be in a stage if he is not a first-class man, he must always in that case be in the first stage only.

1026. Be good enough just to explain that a little more fully?—There are three classes, the 1st, 2nd, and 3rd, that is what I mentioned, and probably the first punishment that a man would receive would be merely suspension of his class for, say, 28 days.

1027. (*Chairman.*) When he is in the second or third class he cannot earn anything towards his remission?—He cannot get the advantages of his stages.

1028. (*Mr. Waddington.*) There are three classes in every stage?—No, there are three stages, but they cannot arrive at the higher stages unless they are first-class men; they cannot even arrive at the second stage unless they are first-class men.

1029. (*Lord Cranworth.*) If I understand you rightly, in the second and third stages there are only first class men?—Yes, that is just it, the first stage is looked upon as no stage at all.

1030. (*Mr. Waddington.*) If a four years' man is in the first class of the first stage at the end of a year, he would get into the second stage, and men with other sentences in proportion?—Yes; I was proceeding to say, that if during the whole time he is in the second stage he is perfectly well conducted, and gets V. G. for labour, at the end of that time he arrives at his third stage, to which some further little privileges are attached, and then when the specified time comes for the minimum period of his sentence, under these circumstances he would be recommended for the minimum period; if not, all forfeitures of time that he had recorded against him would be deducted from it.

1031. (*Lord Cranworth.*) And added to the imprisonment?—Yes, it simply amounts to that unless a man had been very well conducted for a very long period, and I had submitted his case to the director—I have the form here—and the director judges whether any portion of the time that he has thus lost should be given back to him; if he is degraded to the third class it takes him three months to get to the second class, and three months more to get to the first class, then he gets a stage as soon as he gets into the first class, if he has done sufficient time.

1032. (*Mr. Waddington.*) How does he get from the second to the third stage?—Taking a four years' man, by absolute good conduct for one year in the second stage it would bring him into the third stage.

1033. Are there no classes in the second stage?—None, they can only be in the first class. The first stage is the normal condition of every prisoner, that is, the normal condition in which they arrive.

1034. (*Mr. Bouverie.*) What do you mean by "absolute good conduct"? Must a man be reported for every day's work as very good?—If he is reported for idleness or any misconduct, it is not absolute good conduct, he is no longer an exemplary man, and he

would forfeit a certain amount of time, both for his stages and his remission.

1035. (*Mr. Waddington.*) Must he have V. G. every day in order to get into the first class?—I do not say that, but if he had many days without V. G. he would be reported as an idle man, and it would entail the forfeiture of a portion of his time.

1036. Whose duty would it be to report him?—It would be the duty of the officer in charge of him.

1037. You mean the warder in charge of the party?—Yes.

1038. Not the principal warder who goes about and inspects the parties?—No; the warder in charge of the party.

1039. What are the advantages of the second stage, and what are the advantages that belong to the third stage?—They get three ounces of bread and two ounces of cheese extra on Sunday, and half a pint of beer or porter in the third stage.

1040. They have that on the Sunday only?—Yes, and they get a small suet pudding once a week on the Thursday; that is all as to their diet. There is one difference that I have not before mentioned, they get their meat roasted instead of boiled four times a week, and twice they have mutton instead of beef.

1041. Is any convict ever entitled to a remission of his full time unless he gets into the third stage?—No; he would not be so, certainly, and could not be.

1042. What is the period in the third stage; is it a third of the whole sentence?—Yes, less one year; but in the case of a four years' man, the man would get nine months remission if he were an exemplary man, and therefore he would only go through three months in the third stage.

1043. The third stage would be a year, of which nine months would be remitted if he were an exemplary man in all respects?—Yes.

1044. All the remission is taken out of the third stage?—Yes. A four years man cannot be more than three months in the third stage.

1045. (*Lord Cranworth.*) Does not a four years penal servitude man come to you at the end of nine months?—Yes, but it is considered that the stages shall count one year after conviction, whatever the length of sentence is.

1046. (*Chairman.*) That is allowing nine or 10 months for separate imprisonment?—It is literally allowing 12 months for the separate imprisonment, but they are never detained that length of time.

1047. (*Lord Cranworth.*) The end of the first stage in the case of a four years man is at the end of two years after his conviction?—Yes, that is the case.

1048. (*Mr. Waddington.*) I suppose that those who remain in the first stage are comparatively very few?—Very few, still there are men. I have brought up the case of a very bad man, who, I think, has not been in any of the stages at all.

1049. Those who remain in the second stage without getting into the third are more numerous, I suppose?—Yes, they are.

1050. Upon the whole a very large proportion of them get into the third stage, and obtain a full remission?—A considerable proportion.

1051. What proportion of the whole, two thirds?—Half perhaps.

1052. How long does the work last between breakfast and dinner?—Including the marching to labour, from 6.45 to 12.15, that is 5 hours and 30 minutes.

1053. (*Chairman.*) That is the whole time they are at work before dinner?—Yes.

Capt. F. Powell.

13 Feb. 1863.

1054. (*Mr. Waddington.*) Do they work incessantly during that time?—Yes, with the exception of marching to their labour.

1055. (*Chairman.*) The time you have given includes the marching to their labour?—Yes.

1056. (*Mr. Henley.*) At what time do you set out from the parade-ground to go to and from the chapel?—I have made a mistake, for the time I have given includes the coming in again and serving dinners, the 5 hours and 30 minutes.

1057. Will you be good enough to tell us what time they arrive upon the parade-ground when they leave the chapel?—6.45.

1058. (*Mr. Waddington.*) When do they get back to the prison from their work for dinner?—Including the time taken up in serving the dinner at 12.15; that is the mistake I made before, I included the marching back and serving dinner.

1059. What is the exact time that they are employed on the works in the morning?—Five hours, including the marching out to their work.

1060. (*Chairman.*) And marching in?—No, not marching in, the marching in and the serving of the dinner takes half an hour.

1061. (*Mr. Waddington.*) Do the men dine in their own cells?—Yes.

1062. Will you be good enough to state the exact amount of the diet at dinner. I presume that it is the same for all prisoners?—Yes, except men in the third stage, and invalids; in the infirmary they have a diet according to what the doctor orders, as a matter of course. App. No. 4. A. I have a copy of the dietary here (*handing in the same*). On Sunday, Tuesday, Thursday, and Saturday they are allowed 6 oz. of beef.

1063. How is that beef prepared?—It is boiled.

1064. (*Lord Cranworth.*) Is it meat without bone?—Yes.

1065. (*Sir J. Pakington.*) Is it fresh beef?—Yes; ¾ of a pint of soup, 1 lb. of potatoes, and 6 oz. of bread.

1066. That is for four days in the week?—Yes.

1067. What do they get on the other three days?—The only difference is that they get 5 oz. of meat instead of 6 oz. of meat, of the same description, boiled beef.

1068. They have that during all the week?—Yes; I am speaking now of the diet of the great mass of the prisoners.

1069. (*Mr. Henley.*) Is the soup made from the same meat as is served out to the men?—Partially so. There is half an ounce of shins per man allowed extra for the soup.

1070. (*Mr. Waddington.*) A good deal has been said about the prisoners demanding to have their dinners weighed; will you just explain that to the Commissioners?—The prisoners have their dinners served out to them by the other prisoners who are orderlies, and are told off so to act each day.

1071. It is not served out by the warders?—No; but it is done under the superintendence of the warders; so many orderlies are told off and the dinners are placed at the doors of the cells.

1072. What is about the number of orderlies who are told off in the whole prison?—Six to each ward; 96 is the total number, but those are all men who have been working during the day; it is only a little extra work, and they are told off for that particular service under the superintendence of the officers; one officer in each ward could not possibly do it, and it is so arranged to save time.

1073. Are they the same men generally who are so told off to act as orderlies?—No, they are always told off in rotation.

1074. Will you give a little explanation with regard to the demand

made by the men to have their dinners weighed ?—We cannot state that every man in the prison is a reclaimed man and not a rogue, and sometimes we find that they are rogues, and if they can in any way elude the vigilance of the officers perhaps a bit of meat may disappear.

1075. Which is probably taken by the orderlies ?—Yes; in spite of the utmost vigilance of the officers that will sometimes happen, and again the whole of the meat and the provisions are weighed out by the prisoners in the cook-house under the superintendence of the cook, and before they are delivered it is sometimes possible, in spite of the utmost vigilance of the officers, for a man to lay hold of a little bit, and in that way, therefore, it is possible, sometimes through mistake, and sometimes in the way I speak of, that the dinner may not be the full weight.

1076. In that way prisoners suspect that their dinners are deficient in quantity ?—Yes. When a prisoner takes out his meat, which he does before he takes it into his cell, in the presence of the officer, he says, "This is not my full weight, I must have it weighed;" but that is an exception to the rule.

1077. Is it weighed as a matter of course if the prisoner insists upon it ?—If a prisoner feels satisfied that he has not got his weight, he begs to have it weighed, and it is done; sometimes we find that they are mistaken, and sometimes we find that they are right.

1078. Is it always weighed when a prisoner demands it ?—It is.

1079. Is each separate portion weighed before it is given to the orderly ?—Yes it is; if a man applies every portion is weighed.

1080. The suggestion is that the orderly may tamper with it before it reaches the prisoner ?—It is possible in the course of things that that may be, or that there may be a mistake in serving out 1,100 dinners.

1081. How often is this privilege exercised by the prisoners, is it frequently done, or is it a rare occurrence ?—There are perhaps three or four cases daily, but I do not suppose that we average six daily throughout the year.

1082. Have you reason to suppose that this is done by ill-disposed prisoners for the purpose of vexation ?—I do not say that I have never known an instance of that. I think that the men will sometimes incline to be very annoying to the officers, and they may perhaps do it more frequently out of viciousness, for there are prisoners who will do anything that they dare do to annoy the officers sometimes, but that is so exceptional that it is not worth taking into account.

1083. Is there any reason to suppose that they concert amongst themselves to cause annoyance to the authorities, by demanding to have that done in considerable numbers at the same time ?—I have no recollection of any case that would come under that head.

1084. I suppose if it were done, or if a conspiracy of that sort were proved, you would consider it as an act of misconduct ?—Yes.

1085. And punish it accordingly ?—Yes.

1086. What time are the men allowed for their dinner ?—One hour.

1087. That brings them to what time ?—That brings them to 1.15.

1088. What is the next proceeding, are they mustered again ?—They are immediately moved off on the parade at the close of that hour.

1089. Are they marched off to work again ?—Yes, immediately; as soon as ever they are mustered.

1090. Are they all taken to the same work as they were employed on in the morning ?—That depends upon the exigencies of the service altogether, for very often the parties are employed on four or five

Capt. F. Powell.

13 Feb. 1863.

different descriptions of work during the day; tide work affects us a good deal in that way.

1091. The number of the gangs, I suppose, will vary according to the exigencies of the service?—Entirely according to that.

1092. How long are they employed in the afternoon work?—From the time that the dinner is over, which is 1.15 to 6, including the time occupied in marching out, mustering, and returning home.

1093. How many hours does that make?—That is $4\frac{3}{4}$ hours.

1094. (*Lord Cranworth.*) The men work all over the island, some part of which is further off and some is nearer?—Yes.

1095. (*Mr. Waddington.*) They are either working or walking during those hours?—Yes.

1096. Are they taken back again to their cells before they go to the chapel?—We get them to their cells at 6 o'clock in the evening, they then take off their working slops to be ready for chapel.

1097. At what hour do they go to chapel?—From 6 to 6.30 going to and being at chapel, and coming back to their cells again.

1098. Do you allow them only half an hour for that?—Yes, and preparing for supper.

1099. The service, I suppose, is not very long in the evening?—No, it is not.

1100. How are they placed in the chapel? Are they placed so that they can see one another without any obstacle?—Yes.

1101. No sort of attempt is made by partitions in order to prevent them from seeing each other?—No; that would be very useless on the public works.

1102. Do they make any attempts to communicate with one another while the service in the chapel is going on?—There are officers present, who are raised above them, and if they saw it, the men would be reported for it.

1103. What is the general behaviour of the men in the chapel?—Very good; the slightest misconduct is invariably reported.

1104. Would any conversation in the chapel be considered an act of misconduct?—Yes.

1105. While upon the public works, do the warders having them in charge prevent them from conversing?—No; they are allowed to converse quietly with each other; any loose talking or laughing is forbidden.

1106. Are they allowed to converse without the warder hearing what they say?—He is close to them.

1107. Have they not opportunities of conversing without the warder hearing everything they say?—They might whisper to each other: but it would be quite impossible to prevent such a thing.

1108. (*Mr. Russell Gurney.*) But it is not considered wrong of them?—No, not to talk quietly.

1109. (*Mr. Waddington.*) They get back from the chapel at half-past 6?—Yes.

1110. Then they have the rest of the evening to themselves in their cells?—Yes; at half-past 6 they have their suppers.

1111. Will you just describe the diet for supper?—It is one pint of gruel and nine ounces of bread.

1112. Is it oatmeal gruel?—Yes.

1113. (*Mr. Henley.*) What is the gruel made of?—One and a half ounces of oatmeal.

1114. How many ounces of bread did you say?—Nine ounces.

1115. (*Chairman.*) I suppose it is rather thin gruel?—It is fairly thick, moderately thick, it is good gruel.

1116. (*Mr. Henley.*) What is the quality of the bread?—The flour is what is called country household, that is the technical term for it; it is not first class, it is what is called seconds.

1117. (*Mr. Waddington.*) Is the meat of very good quality or of inferior quality?—It is a wholesome quality; not a first-class meat, but good and wholesome.

1118. It is not what is called prime meat?—No, but good and wholesome.

1119. How long are the men allowed for supper?—Half an hour.

1120. How do they amuse themselves during the rest of the evening?—That brings them to 7 o'clock. Then from 7 to 7.45 there is cleaning of shoes, shaving, changing any clothing that may be requisite, emptying slops, &c., and reading.

1121. They shave at night, do they?—Yes, and they clean their shoes at night.

1122. Are they visited by the chaplain in their cells at any time?—Occasionally.

1123. Is there any class for instruction?—There is a Scripture reader who visits them regularly in their cells in winter.

1124. You have a Scripture reader besides the other officers?—Yes; there are also four schoolmasters.

1125. Does the instruction take place in the evening?—No, there is no time for it. We have now got to 7 o'clock, and there is from 7 to 7.45 for cleaning shoes, shaving, &c.; they may have a few minutes left for reading out of that.

1126. Are the books which are supplied to them in their cells selected by the chaplain?—Yes. At 7.45 they take down their hammocks and go to bed, and all the lights are put out at 8, with the exception of the third stage men.

1127. What is the difference with regard to those men?—They are permitted to have a light an hour later.

1128. How are the cells lighted?—By candles.

1129. (*Mr. Bouverie.*) Not by gas?—No.

1130. (*Mr. Waddington.*) What is done with the candles; do they put them outside their cells?—The prisoners have to put them out. The officers are obliged to see every light out except those of the third stage men before they leave the prison at night, which they do at 8 o'clock.

1131. Leaving the candles in the cells?—Yes; there is an officer who is going round the different wards all night long.

1132. What degree of observation takes place during the night on the part of the officers of the prison?—There is an officer told off to every division, and he keeps going from ward to ward in each division.

1133. A warder is told off for that work?—Yes.

1134. And he keeps moving about during the night?—Just so.

1135. Is there any bell, or anything of that sort, by which a prisoner would give an alarm if he were taken ill?—In a case of that sort a signal is given, by putting their broom outside the door, which is seen in a moment by the warder; it is put under the door; there is a space left under the door for ventilation, and if a prisoner is sick he puts his broom out, then the officer making his rounds sees it in a moment.

1136. How are the corridors lighted?—By gas.

1137. Will you now state the routine in the winter months; does the time of their rising depend upon the rising of the sun?—Entirely. They are sent out to labour as soon as the light admits of it with security, and they are kept out at labour as long as the light admits of it with security; that is the only regulation.

Capt. F. Powell.

13 Feb. 1863.

1138. (*Sir J. Pakington.*) Are the hours the same?—No; they get up half an hour later in the winter months, because there would be a loss of time in their cells in that case. At 5.30, instead of 5, the first bell rings in the very darkest months, but that is only for a short time.

1139. (*Mr. Waddington.*) Then they clean themselves by candle light?—Yes, in dark weather.

1140. It is light before the time arrives for going to chapel?—It is light before going out to labour.

1141. In all other respects is the diet and the mode of labour the same?—Just the same.

1142. They return, of course, earlier?—Yes.

1143. In the very short days do they return at about 4 o'clock?—Yes; and in the very shortest days, for a few weeks, they return at a quarter before 4, but that lasts for a very short time.

1144. How is the evening passed then by the men?—In that case they have so much longer time for reading in the evening.

1145. Do they sup at the same time?—No; earlier; everything is so much earlier, and instead of having three quarters of an hour for cleaning shoes, shaving, and reading, they have so much longer time.

1146. The chapel, as you have stated, is lighted by gas?—Yes.

1147. How does it happen that the cells are not lighted with gas?—It was thought, I believe, to be more convenient to have them lighted with candles.

1148. (*Sir J. Pakington.*) Is it thought that gas would be too heating?—I believe that that is one reason.

1149. (*Mr. Waddington.*) You stated, I think, that there were some workshops as distinguished from the labour on the public works; will you describe the nature of the work that is done by the prisoners who are not employed on the public works?—There are in the prison parties who are cooks, bakers, washers, gardeners, and road makers, who keep the roads, but they are a very small party; there are also blacksmiths, and a tinshop, and carpenters.

1150. You have shops for those men?—Yes; but that is chiefly for the repairs of the prison, and anything that may be required; then there is a light labour party.

1151. What is the whole number of the prisoners that are employed in those workshops in the prison?—I think it averages altogether about 135.

1152. Are they treated, with respect to diet and attending chapel, exactly like the other prisoners?—Precisely the same.

1153. For what number of hours do they work in those shops?—Precisely the same as on the public works. I have not included the parties that are at work in the war department, and also the parties who work under the engineers' department, and there are five parties there.

1154. Those are under the control of the Government officers I suppose?—They work according to the directions that are given.

1155. By the officers of the Government?—Yes, and the war department, or the engineers' department; they all work under my orders.

1156. Are they watched by the warders?—Yes, in the same way as the others are.

1157. What sort of work do they do?—Cleaning shot and guns, and unloading barges of stores; then in the engineers' department they are making roads and breaking stone for them, and carting stores, and various things.

1158. At what distance from the prison are they principally employed?—Some are nearly a mile off.

1159. Are they brought home for their meals at the same time as the other prisoners ?—They are.

1160. Do they go to chapel in the same way ?—Yes ; they attend chapel on their return.

1161. (*Lord Cranworth.*) Are any of the prisoners employed in the dockyard ?—Only in connection with the new works. There are shops in the dockyard that they go to in connection with the new works, but they are so intimately connected with the dockyard that they have to enter the dockyard to get to some of the new works ; there are no men now employed as they used to be in the dockyard, it is all in connexion with the new works.

1162. But there are some within the walls of the dockyard ?—Yes.

1163. (*Mr. Waddington.*) Do the warders attend to keep an account of the work performed by those men precisely as they do of the work done by those employed on the island ?—Just the same.

1164. Do they report them in the same way ?—Yes.

1165. Upon a rainy day what is done, are the prisoners taken to work as usual, or do they remain in their cells ?—Unless the rain is very heavy indeed they would go to their work as usual. I do not think, on the average, that we have more than three days in a year on which they would not go to their work.

1166. Suppose a violent storm came on, or a smart shower, would they continue to work or come back to the prison ?—If it were only a slight shower they would be kept at their work, if it were a very heavy shower there are sheds near where their work is, and under which they are marched, and then they are marched back again as soon as the weather admits of it.

1167. Would they be kept there for any length of time if it rained for several hours for instance ?—If it were heavy they would be kept there until the time arrives to march them back to the prison.

1168. But they would not be marched back to prison until the usual time ?—No, never.

1169. (*Chairman.*) What would they do in the sheds at that time ?—As many of them as possible are employed in stone breaking, but there is not employment for the whole of them at that.

1170. (*Mr. Waddington.*) With regard to the instruction given in the schools, be good enough first to state what the establishment of the chaplain's department is ?—There is a scripture reader and four schoolmasters under the chaplain, and he has also an assistant chaplain.

1171. Upon what occasions is the instruction given to the prisoners ?—They have half a day in every week.

1172. Is that all ?—Yes.

1173. Are they assembled in the schoolroom for the purpose or are they visited in their cells ?—The school takes place in the chapel, there is no schoolroom.

1174. Are they all assembled in the chapel for that purpose ?—Yes, the whole of them.

1175. You stated that they all went to the chapel, do they all go together or in parties ?—They are divided into 11 parties, and each party into so many classes.

1176. As they only have half a day each party cannot be there very long ?—One party attends on a Monday morning and another party on Monday afternoon, and so on through the week including Saturday morning ; Saturday evening is devoted to cleaning up the chapel and preparing it for Sunday. There is no schooling on the Saturday evening.

Capt. F. Powell.

13 Feb. 1863.

1177. What is the number of those parties ; about 100 each ?—As near that as possible, the average is that because we are 1,100 strong.

1178. (*Sir J. Pakington.*) Is there 100 in the school at once ?—Yes.

1179. (*Mr. Waddington.*) What is the nature of the instruction that the prisoners receive ?—That depends much upon the previous education of the men, they are divided into classes.

1180. Are they divided into classes as nearly as possible in conformity with what is supposed to be their degree of knowledge ?—Yes, the most ignorant attend on Mondays and so on, as they advance in knowledge, until Saturday.

1181. Does the chaplain and his staff attend every day ?—Yes, on each of those occasions.

1182. (*Chairman.*) The chaplain takes the general superintendence of the school as well ?—Yes.

1183. (*Mr. Waddington.*) Is the instruction principally of a religious kind ?—No ; it is principally secular and reading.

1184. Are the very ignorant taught to write ?—Invariably, those are the first lessons.

1185. Are the others generally treated according to the discretion of the chaplain and his assistants with reference to their degree of knowledge ?—That is exactly what is done.

1186. Is it found that many of them make considerable progress ?—Something like what schoolboys do ; some make progress, and some do not.

1187. A regular report, I believe, is made by the chaplain every year ?—Yes.

1188. The report for the year 1861, I believe, has been published by Sir Joshua Jebb ?—Yes.

1189. What is the time for religious instruction ? Do they receive any religious instruction except on the Sundays ?—That is given at the commencement of the school ; the Protestants receive religious instruction for the course of about 20 minutes.

1190. On each of those occasions ?—Yes.

1191. Are there any Roman Catholic clergymen who attend the prison ?—Yes, there is one.

1192. Does he give instruction to the Roman Catholics apart from the Protestants ?—He attends once a week, on Saturday, when any prisoner, who wishes it, sees him ; and he attends also twice on Sundays and gives two services.

1193. Is there a place set apart in which he can perform the service according to the rites of his own church ?—Yes ; in one of the divisions.

1194. How often is the service performed in the chapel on Sundays ?—Twice.

1195. Is it a full service ?—Yes, except the Litany.

1196. (*Mr. Bouverie.*) Do all the prisoners attend ?—Yes ; except the Roman Catholics, who attend their own service, and Jews, and those in the infirmary, for whom there is a separate service.

1197. (*Mr. Waddington.*) How many medical men are there attached to the prison ?—Two, a medical officer and an assistant.

1198. Are the invalids numerous ?—No ; upon the whole the health of the men is very fair.

1199. What is the largest number you have ever known in the infirmary at one time ?—I have known between 40 and 50, but it does not average anything like that ; it would barely average 30.

1200. Upon the whole, have you any reason to be dissatisfied with

the discipline of the prison, and the mode in which the men conduct themselves ?—Not now.

1201. Have you had since the disturbance took place, a few years ago ?—For a short period after that disturbance the men were in a very unsettled state—immediately afterwards—but I was able, I am glad to say, very soon to get much more stringent discipline established, and that has been carried on ever since. The men are now, I trust, in a very satisfactory state of discipline.

1202. Some change of officers took place at that time, I believe ?—Yes.

1203. (*Mr. Bouverie.*) Were you in command at the time of that outbreak ?—Yes, I was.

1204. (*Lord Cranworth.*) How long had you been so before the outbreak occurred ?—About 10 months.

1205. Will you be kind enough to explain the circumstances which led to that outbreak ?—There were a great many circumstances which tended to it. We had a very bad class of prisoners, who were received into Chatham prison at first from the hulks ; and not only had we a very bad class of prisoners, but we had also a considerable number of very indifferent officers as well ; and those were the two bad elements that we had to deal with.

1206. (*Sir J. Pakington.*) Did the officers come from the hulks ?—Yes, nearly half of them, and they had been accustomed to a very different state of discipline to what was established at Portland, and in other prisons. The officers who had come from other prisons and had been accustomed to a different state of discipline, were desirous that that discipline should be carried out, and it was also the desire of the directors that the same discipline should be carried out at Chatham as was established at Portland and at other prisons ; neither the hulk officers nor the hulk men liked this, in addition to which there was an ill-feeling among the officers from the two different departments, from the hulks and from the other prisons, which was, perhaps, increased by a very intelligent, smart chief warder, who had come from Millbank, being at the head of them ; he having been previously junior to many of them, there was a good deal of jealousy on that point, and the result was that my own efforts and the efforts of the deputy governor and chief warder were to a great extent rendered nil by not being carried out by those immediately below them ; in fact, it afterwards came to my knowledge that remarks were made by those officers very prejudicial to myself and their superior officers, in the presence of the prisoners, because they did not themselves like the more stringent rules. For the first few months that I was in the prison I endeavoured to work it as well as I could with the staff I had, but I found that it was impracticable, and I represented to the directors that I did not receive the support from the officers which I ought to have received.

1207. (*Mr. Bouverie.*) Was that previously to the outbreak ?—Yes; the result of my report was that the directors considered seriously the question of removing several of them, especially several of the principal warders, upon whom the discipline of the prison mainly depends. Shortly before the outbreak I had reason to believe that they were aware that this step was taken, which did not make them more inclined to do their duty. With regard to the immediate cause of the outbreak at that period, I need hardly say, after what I have already stated, that there was a want of unanimity among the officers, and those officers who did their duty were looked upon by the prisoners as tyrants, and those who did not were regarded as comparatively good

Capt. F. Powell.

13 Feb. 1863.

fellows. This state of the prison all conduced to the outbreak; but the immediate cause of it was as follows: Early in the year 1861 we received a prisoner, who was a life-sentenced man, and who had been at Chatham prison before; he was a re-convicted man; he had not left the prison for more than a year, or scarcely a year. This man had a most extraordinary influence over the other prisoners; he did not commit himself, but according to the evidence of the prisoners, from whom I got the information I am now giving to the Commissioners, he concocted a plan for escaping himself with five or six others; this plan was discovered and frustrated, and being thus foiled the next step he took was to try and excite the greatest possible amount of discontent amongst the men. The Commissioners may possibly recollect that some time before the outbreak occurred they had heard of men shouting in their cells in the Chatham prison, and of various other acts of disobedience. An account of these disturbances got into the public papers, and they were discussed in terms not very complimentary to me as the governor, or to the authorities—it being supposed that the prisoners were ill-treated, and various other statements of the same character were asserted. In many of the penny newspapers it was evidently thought that the prisoners were dealt with in a most harsh manner. I may further state that it is very difficult when prisoners are working in the dockyard to prevent their getting communication with the outer world; there are so many labourers about that they have an opportunity of establishing a communication, and, in spite of the utmost vigilance of the officers, I found that newspapers got into the prison, with these accounts in them, upholding the prisoners, and written in such a style that they fancied themselves heroes in acting as they had done, and looked upon the officers placed over them as so many tyrants. All these circumstances tended to inflame their minds, and two or three days before the outbreak occurred, as the chief warder was going round the works, on examining the dinners that were sent on to St. Mary's Island, to a certain number of men who then dined on the island, under the idea that it saved time, and gave them increased time for work. The experiment having been tried to see how it answered, he found that they were getting an increased amount of soup, compared with what they ought to have had; a little extra soup having been sent to cover deficiencies, and which if not required ought to have been returned to the cook house. This irregularity occurred under the superintendence of one of the principal warders, who did not support me, and who permitted them to have this extra amount of soup; it did not amount to a great deal, but it was a certain addition. As soon as the chief warder discovered the irregularity he reported it to me, and the moment it was reported to me I put a stop to it. Two days after this occurrence a more daring ruffian than most of the prisoners got upon a table in the island mess-room—I have no doubt it was a concocted scheme—and made a violent harangue to the other men assembled round; he dashed his dinner amongst them, and said it was not fit for pigs; this caused a good deal of excitement, but the main body of the prisoners even then did not join in the disturbance; it was confined to about nine or 10, to the best of my recollection, I speak rather under correction, and those were secured and marched in, and of course all of them were reported to the director. The director came down, and while he was adjudicating upon this very case the outbreak took place.

1208. (*Lord Cranworth.*) Have there been any signs of insubordination since that time?—There was a great deal of excitement for a few days.

1209. But, after that excitement had passed away, did any symptoms of the same tendency exhibit themselves?—There were one or two instances in which we heard of a statement, principally through the prisoners' evidence, that such and such a party were going to strike work, and so forth, but nothing beyond that. We were constantly on the watch, and it enabled me to introduce a very different order of things, and I am very glad to say that since that time a very different state of things has prevailed.

1210. What were the changes that were then introduced?—I enforced more strict discipline in various ways; for instance, in exercising the men are kept strictly to the sections in which they are told off; no speaking of any sort is allowed in the prison, except at work, &c. I assimilated the discipline as much as possible to that at Portland, and which I had in vain attempted to do previously.

1211. You attribute the outbreak mainly to there not having been the same stringent discipline at Chatham which had been enforced successfully at Portland?—Partially; there was not the same stringent discipline, from the causes I have already mentioned; there were some extremely bad officers, and a want of unanimity amongst them; but there were some very good officers. I do not say that the whole mass of the officers were bad.

1212. You attribute the outbreak, do you not, to the fact that there was not so good a system of discipline at Chatham as there was at Portland?—There was the same discipline endeavoured to be carried out, but it could not be carried out to the same extent for the want of support from the officers.

1213. (*Mr. Russell Gurney.*) And you had also a very bad class of prisoners to deal with?—The prisoners that we had originally from the hulks were almost all then gone, but the effects of their presence had by no means gone. The prisoners take their cue from those who are before them, and the evil kept descending and descending. In addition to that, there was another cause, that we had at that time a very bad class of men from Bermuda; they were all men who had been sentenced under the Act of 1853, and who got no remission, and it was quite an exception to find a good man amongst them. Having no inducement, comparatively speaking, to good conduct, compared with what they would have had under the Act of 1857, they at once said, "I have got a certain time to serve, I have my six years to do, and "I must serve every day of it, and I will do it as easily to myself "as I can," and they did do it as easily as they possibly could.

1214. (*Lord Cranworth.*) Your experience is, that those prisoners who had no hope of remission were, as an ordinary rule, less well conducted than those who had the hope of remission?—There is not a doubt about it.

1215. (*Chairman.*) Before the Act of 1853 the sentences were usually much longer than they are at present?—Exactly so.

1216. You had the power of remitting a larger part of the labour on public works than you have now, because the men went to the colonies with tickets of leave?—Yes.

1217. Was that increased power that you had over them a useful means of maintaining discipline?—I can hardly give you an answer to that, for I had very little experience previously to the Act of 1853. When I was first at Portland, they were nearly all men under that Act, and there have been none since.

1218. (*Mr. Waddington*) There were some long sentences of transportation passed under the Act of 1853?—Yes; but those men almost invariably went out to the colonies.

Capt. F. Powell.

3 Feb. 1863.

1219. (*Lord Cranworth.*) It has been stated that 850 prisoners were implicated at the time of the mutiny at Chatham; can you state what number was implicated in it?—184 men were known not to be implicated out of 1,041 that were in the prison at the time; those 184 men were employed elsewhere from where it broke out. The whole of the remainder were on the parade-ground at the time when the outbreak took place, and it was impossible to say who was implicated and who was not amongst a great number of them. From their previous good character and general good conduct, after a very careful selection of them by all the officers who knew them best, 590 of them were presumed not to be implicated at all. There might have been a good many more than that; but 590 were presumed not to have been implicated.

1220. (*Chairman.*) Do you mean that, upon an investigation, the persons who conducted it satisfied themselves that not less than 590 had taken no part?—Yes.

1221. (*Mr. Russell Gurney.*) Inferring that from their previous good character?—Yes.

1222. (*Chairman.*) Deducting 590 would leave 267?—Yes, exactly so. Then, out of the remainder, there were 123 who were not known to be implicated; but not being good characters, it was impossible to say; all that could be said was that they were not known to be implicated.

1223. (*Mr. Childers.*) Were those men punished?—Only by a certain amount of gratuity being deducted from them and a month's remission stopped. As the Commissioners are probably aware, on the evening that the outbreak took place, the whole of the prisoners with the exception of 184 men were ordered to be put on bread and water until further orders, and then as soon as possible the lists were made out in order to get them on to full diet, and to send them to their work; and with regard to the 590, it was presumed from their previous good conduct that they were not in the slightest degree likely to have taken any part in it. Then there were the 123 who, from being doubtful and bad characters, it was thought might have been implicated, although it was not known, as there was no proof against them.

1224. (*Chairman.*) And the other 144 were known to have been engaged in it?—62 were known and marked as ringleaders, 14 were known to have been implicated in a lesser degree, and 68 were known to have taken either some slight part in it, or to have misconducted themselves; they had been either impertinent or had committed some act of insubordination at the time.

1225. (*Mr. Russell Gurney.*) Can you give the Commissioners any account of how they stood in your books before the outbreak, with respect to the letters V. G. or G.?—It is not always the worst characters who work the worst.

1226. (*Lord Cranworth.*) V. G. only refers to the work done?—That is so, and their classes refer to their character.

1227. (*Mr. Russell Gurney.*) What class were these men in?—Mixed, but most of them were in the second or third class.

1228. (*The O'Conor Don.*) Had not some of them very large gratuities coming to them at the time of the outbreak, I mean of those marked bad?—Those must have been men from Bermuda, and men with life sentences who had served for some 14 years; for even if they are bad characters their gratuities will amount up in the course of time and become a very considerable sum. If they get so much a day to their credit whenever they are good, in 12 or 15 years it will amount to a considerable sum.

1229. (*Mr. Russell Gurney.*) The account you have given of the separate classes hardly bears out what you say of the prisoners being of a very bad class at the time, as accounting for the outbreak ?—Some of them were bad enough.

1230. Generally speaking, it appears that the men appear to have belonged to a tolerably good class. A great number of them were presumed to have had nothing to do with the outbreak because they had good characters ?—Yes.

1231. (*Mr. Henley.*) You stated that most of the hulk prisoners had left the prison ?—They had.

1232. (*Lord Cranworth.*) Will you just state to the Commissioners what occurred at the time of the outbreak ?—On the afternoon of the 11th, when the men were paraded for labour, the first thing that occurred was one man refused to join his party. He gave a shout, and then threw up his cap into the air. There is no doubt it was a pre-arranged signal. The others then followed, and the insubordination spread like wildfire. I immediately gave orders to march the men into prison, and most of them obeyed me. The others did not.

1233. What was the punishment inflicted upon the rest of the ringleaders ?—They were flogged. I think that 48 of them were flogged; the others were placed on 10 days' bread and water.

1234. (*Mr. Russell Gurney.*) You stated that perfect good conduct and a good report of labour throughout alone entitles a prisoner to a full remission ?—Yes.

1235. In a "good report of labour," do you include the G. as well as the V. G. ?—Yes, but with a continuance of G. it would not be considered that a man would get a report.

1236. I will just take one case. I see in this book that for seven following weeks there is G., and not V. G.; what did the man lose in the way of remission in that case ?—

1237. It is to be supposed that every man in that gang every day had worked well if G. is marked against him ?—Not so well as if the mark was V. G.

1238. Has any one of these ever lost any part of his remission ?—I am not able to say; but a man would not be marked V. G. who does not work as an ordinary labourer on day work.

1239. (*Sir J. Pakington.*) I understood you to state that the G. and the V. G., which predominate so immensely in that book, had reference solely to the work done, and had no reference whatever to character, or the general conduct of the men ?—None whatever.

1240. Have the warders who superintend these parties any motive for making these entries as favorable as they can ?—None.

1241. I presume from that answer that the amount of their gratuity does not depend upon their making favorable reports ?—Certainly not.

1242. Is it the result of your experience that you think the system of giving warders gratuities for the conduct of the parties under them is a good system ?—I consider that it works well.

1243. What punishments do you inflict in case of misconduct within the prison. You appear principally to rely on deductions from their gratuities or remissions; but have you other punishments within the prison for misconduct ?—Yes, bread and water and separate confinement on half diet.

1244. What is the maximum time for which you ever impose bread and water diet ?—The governor has not the power, under recent regulations, of giving more than three days. When I first entered the service they could give seven.

1245. Do you ever resort to flogging ?—That can only be done by a

Capt. F. Powell.

13 Feb. 1863.

director; the governor has not that power in his hands, he has not the power to inflict corporal punishment.

1246. Are you satisfied with the diet as you have described it to the Commissioners?—I think that the ordinary diet of the prison is a sufficient diet, but is not too much.

1247. You do not think that the men could do the work you have described without having, as it appears they have, beef every day in the week?—I very much question it; you must recollect especially that upon the works at Chatham they are employed nearly all the day in the marshes and that they are subject to ague; we have frequent cases of ague among them as it is, and therefore, I think unless the diet was liberal such cases would be very much extended.

1248. But in addition to the requirements which are created by their labour, the climate in which they work makes it also desirable that the diet should be good?—Yes.

1249. Could it be made less attractive do you think without being less nutritious?—I do not see how it could, the meat is of good quality but it is not prime; everything is of good quality.

1250. You think that there is nothing more attractive than is inevitable in diet so nutritious?—I do not see how it could be made less attractive, you might certainly put no salt into the soup.

1251. Does your experience lead you to the opinion that it would be desirable to make the system more penal than it is?—May I ask in what respects.

1252. In any respects. You have watched the system for years, you have seen it in operation, and you know the reasons why the men are placed under your care, and do you think, looking to the public interests, that it is possible, without doing anything that could be considered cruel or injurious to the health of the men, that the system could be made more penal than it is?—As regards the labour, I do not see what could be done more than is done at present, for you cannot, as I may call it, force a man to work, although you can induce a man to work; you may lead him and tell him that he must work harder, but you cannot force him. The men do work very fairly as it is, and I cannot suggest any plan that would get more work out of them; the diet is sufficient, but I do not think it is more than sufficient, taking the year round.

1253. If I followed your answers correctly, I think you said that the actual period of time passed in labour when the weather is fine, and the men can work, amounts to somewhere about 8 or 9 hours?—It amounts to more than that.

1254. I mean the actual time they are at work, deducting the period that is passed in going to and fro?—Absolutely deducting that time, I think it is as nearly as possible 9 hours, it may be 9 hours 5 minutes.

1255. There are 9 hours of actual working?—Yes, but I am speaking of the long days.

1256. Did I understand you correctly to say that the average period of walking to and fro must be taken at fifteen minutes?—Yes.

1257. Deducting that four times is an hour passed in going to and fro?—Yes.

1258. Do 9 hours remain for actual work?—As nearly as possible.

1259. What do you find is the effect physically upon the men after having done those 9 hours work, does it appear to produce much fatigue or exhaustion in them?—That depends a good deal upon the way the different parties are at work; there is much more exhaustion among those who are engaged in excavating and that kind of work than among the men who are employed in trades; the trades are much more

profitable employment; we have bricklayers who are employed to a considerable extent, and their employment is very profitable; we have carpenters also employed to a great extent, and their employment is profitable.

1260. In what sense do you mean that it is profitable?—To the establishment in the amount of work that they do.

1261. How many men should you say are employed, not upon the public works, but in such trades as you have now referred to, what proportion of the whole?—A large number of them are employed upon the Admiralty works, there are about 135 in the prison, but there are also men employed on the Admiralty works as carpenters and blacksmiths in the dockyard and island.

1262. Men are, I presume, selected to work as cooks, or tailors, and shoemakers, with reference to their fitness for those occupations or trades, and not with reference to the crimes they have committed?—Yes; they are selected as to their capacity, and also their good conduct; a badly-conducted man is not allowed to go into the trades parties at all, because they are employed with tools, and therefore it is not desirable.

1263. I understand you to mean a man who has behaved ill after he comes under your care, not having reference to the conduct or the crime of that man before he came to the prison, nor reference to the period since he has been undergoing his sentence?—Yes.

1264. But I presume that a man who, from his personal fitness, may be selected to work at a trade of that kind is, in point of fact, much better off than a man who does the ordinary public work in gangs?—It is preferred; they are volunteers.

1265. It becomes a boon to men without being so intended?—Yes, it does become a boon; but at the same time it is very profitable to the Admiralty.

1266. The whole thing, I presume, is regulated with reference to the convenience and profit of the establishment, and not with any reference to the penal effects upon the individual?—Except that none but good prisoners are employed in those parties.

1267. Is it ever your practice to make such men take a turn upon the more penal work, such as taking a turn in the parties employed in excavating?—No; that would interfere very much with the work. We have scarcely sufficient for what is required, and it is therefore not done.

1268. But that, again, is a matter of convenience, and not a matter of penal discipline?—Yes.

1269. (*Chairman.*) I suppose that, with a view to the men maintaining themselves when they leave the prison, it is important that they should not forget their trades?—Yes it is, doubtless.

1270. (*Sir J. Pakington.*) In speaking now with reference to the majority of the working parties on the public works, could the period of their labour be increased beyond the 9 hours?—It is not possible; there is not a spare moment; the officers now are 15 hours on duty.

1271. I understand the general tendency of your answer to my question to be, that you have no means at your command of making that system, whether it be desirable or not, more penal than it is at this time?—I cannot see how it is to be done.

1272. With regard to the half day passed in schooling, I presume that that is either the first half of the day or the second half of the day according to circumstances, but that, in either case, it is exactly that

Capt. F. Powell.

13 Feb. 1863.

period which would on other days be devoted to public works?—Yes, as nearly as possible.

1273. (*Chairman.*) Have you ever known any cases of attacks being laid upon the warders by the convicts?—We have occasionally had such cases, but they are not so frequent as they have been. When I first went to Portland they were more frequent, but then again the men were under the Act of 1853, and they were not so well conducted a class.

1274. They were much more difficult to manage therefore?—Very much more difficult.

1275. Do you punish the men very severely for all attacks made upon warders?—Very severely.

1276. With corporal punishment in all cases?—Not in all cases, more especially latterly, as corporal punishment has now become so much less severe than it was.

1277. (*Mr. Waddington.*) Has the number of lashes inflicted been diminished?—We cannot give above two dozen with a light cat; we used to give three dozen with the naval cat.

1278. (*Chairman.*) Was there any necessity to diminish the severity of the corporal punishment?—If I may be allowed to say so, I think that it was most undesirable.

1279. (*Lord Cranworth.*) Do you mean that the remission of any part of it was most undesirable?—Yes.

1280. (*Chairman.*) Does not it appear to you to be of great importance in all cases of mutiny or violence towards the warders that there should be very prompt and severe punishment?—I think it would be much better that it should be so.

1281. You have stated that the chaplain does not visit the men a great deal in their cells?—No, he sees them at the school.

1282. He does not see the men individually?—No; but if a man wishes to see him he can see him, or if the chaplain wishes to see a man he can see him.

1283. Does the assistant chaplain see the men individually?—Just the same as the chaplain.

1284. Then they are only seen individually to any considerable extent by the scripture reader?—Yes, in their cells; but in the summer time there is no time in their cells, in the winter season there is a little more time after dark.

1285. There would be no difficulty in allowing the men to have lights for half an hour longer to enable them to see those people, would there?—That would increase the time, and the officers are now on duty for 15 hours a day.

1286. Might it not be somewhat advantageous to increase the number of the officers, and make provision for more individual communication with the men, that is to say, between the chaplain and the convicts?—As I have said before, once a week they have the power of seeing the chaplain, and having a communication with him, and he has the power of communicating with them, and in the same way on the school day.

1287. Has it not generally been found that by seeing the men in private, frequently a judicious chaplain may produce a very marked effect upon their minds?—You are aware, of course, that during nine months previous to their coming on public works that is carried out to its fullest extent.

1288. (*Mr. Waddington.*) You mean at Pentonville?—Yes, and at Millbank and Wakefield. They are visited daily and constantly by the chaplain during those nine months.

1289. (*Chairman.*) Sir Joshua Jebb stated, with regard to Portland, that the greatest evils from communication arose on the Sundays when the men were at exercise, is that so at Chatham?—That is now prevented at Chatham, and has been prevented ever since the outbreak to a very great extent, by means of confining the men when they are at exercise to the fours that they are told off in. They must exercise in those fours, therefore the communication is entirely confined to those four men.

1290. (*Mr. Henley.*) I think you stated, in answer to Sir John Pakington, that in your opinion the discipline could not be made more penal?—I do not see my way to it in any way, with advantage.

1291. Would it be possible, do you think, to deprive the prisoners of some of the indulgences which they now receive. You have referred to their power of seeing their friends and of writing letters, and would it not make the system more penal if they were wholly deprived of having any communication outside the prison and would not that be more or less penal?—There is no doubt that it would be more or less penal.

1292. Is it a matter that the prisoners very much regard, having the power to communicate with their friends, either by seeing them or writing to them?—Yes, and especially by writing.

1293. Would not that be a very easy mode of making the punishment more penal?—It could be done in that way.

1294. What class of persons is it that sees the prisoners?—Principally their own immediate relations, their wives, their brothers, their sisters, mothers, and fathers.

1295. If I correctly understand you you have stated that a prisoner in the normal state could see his friends once in three months?—That is correct.

1296. Are you aware whether that is a more extensive permission or less extensive than that which is given in the ordinary county prisons?—I do not know.

1297. You have been asked some questions with regard to the diet that is served out to each prisoner in his own cell?—Yes.

1298. Does every prisoner consume the diet?—Almost invariably, unless they are ill.

1299. Will you be good enough to tell the Commissioners how many ounces of bread per week is allowed to a prisoner?—He has 27 ounces a day, which would make 189 ounces.

1300. Is the diet at Chatham the same as at Portland?—I believe it is as nearly as possible; there may be some little difference.

1301. Do you see any reason why a man under sentence of penal servitude should not be wholly restrained from communication with his friends without?—It becomes a question whether in some instances it may not have an ameliorating influence upon the man, for instance, suppose his mother comes to see him.

1302. But in a general way there is nothing, I believe, that a prisoner regards as so severe a part of his punishment as being wholly debarred from communication with his friends without?—I have no doubt that he would consider it very severe.

1303. If the rule in the ordinary county prisons is that a man undergoing a sentence of imprisonment does not see his friends more than once in six months, it would be a great relaxation for him to be sentenced to penal servitude, would it not?—I am not aware of the discipline of the county prisons.

1304. But supposing it to be as I have said?—Then as far as the

Capt. F. Powell.

13 Feb. 1863.

visits are concerned, there is no doubt that a man would prefer seeing his friends once in three months instead of six months.

1305. The same remark would apply to the receiving of letters ?—Yes, certainly ; they consider it a very great privilege, and also to be enabled to write their letters.

1306. A letter sent to a prisoner in penal servitude, when he was removed to a distance from his connexions, would probably operate in a greater ratio than the privilege of seeing his friends ?—Yes, that is the case.

1307. You have stated, with regard to the labour that is performed, that you rely greatly upon the superintendent warder who goes out where the men are at work on the island and sees whether the gangs are doing their work properly ?—Exactly.

1308. Of course the men can see him coming ?—He is almost always present.

1309. He can hardly be if there are 50 gangs ?—There are six divisions.

1310. But still, I suppose, it has just the same effect as a foreman going about amongst his men, when he is near the men work better, but when he is not near they will not work so well ?—It would scarcely be applicable, as the parties are all nearly together, and all within immediate supervision. You cannot say that he is omnipresent, but still he is there, and the greater part of his parties can be seen by him almost at the same time.

1311. What is your opinion of the advantage to the men poing to chapel night and morning ?—I am of opinion that the evening might be done away with without any great disadvantage.

1312. Do you not attach any value to it ?—I do attach a certain value to it.

1313. Then why do you think it might be dispensed with ?—Because it would increase the time for labour, which I consider very desirable.

1314. In your opinion is it more desirable to have increased time for labour, and less praying, or that they should go to chapel morning and evening, as they do now ?—My opinion is that it might be dispensed with in the evening with advantage.

1315. (*Mr. Waddington.*) Not both ?—No, certainly, not both.

1316. (*Mr. Henley.*) You think it would be undesirable to dispense with both ?—Certainly.

1317. Do you think that more or less advantage would be secured to the prisoners by giving them an opportunity of individual communication with the chaplain, which to some extent would be afforded by the saving of half an hour in the morning. I mean, that the chaplain should see them, and have personal individual communication with them ?—I think it would affect the case very little indeed.

1318. You do not think that much good would come of that ?—I think not.

1319. With regard to the schooling, at what time in the week does each man get to school ?—In the morning from 9 till a quarter to 12.

1320. On one day in the week ?—He gets that time in a week.

1321. Comparing the schooling with the labour, and looking upon that as a matter of punishment, is it your opinion that a man had better be at school the usual time or at labour ?—I think that half a day in the week is desirable.

1322. In your opinion does that make his sentence more or less penal ?—Less penal.

1323. And so far it is a diminution of the punishment?—Yes, I should say so.

1324. In your judgment that diminution of the punishment is well paid for by the gain that the men make?—Yes, I believe so.

1325. (*Mr. Childers.*) Might not that schooling take place on Sundays?—I do not think it possible; in fact it would be quite impossible.

1326. Might not the prisoners be so divided on Sundays that each of them could get a certain amount of schooling?—It is not possible.

1327. Do you think it is impracticable to make the diet depend more directly upon the amount of fatiguing work done?—I cannot see any plan by which it could be carried out.

1328. You do not think it possible to make everything beyond bread and water a boon to be earned by the value of the labour gained?—Not possible.

1329. A labourer who earns his bread has to be content of course with any short work that he may get, by which to earn his bread; could not that be applied to the prisoners at Chatham?—A labourer is an individual man, and he is employed at individual work; but these men are employed in gangs, sometimes at one description of work during the day, and sometimes at another, and he is often at five or six different descriptions of work during the day; there would be no possibility of measuring it.

1330. And yet you do measure it as a matter of fact?—Yes, we do, as far as we possibly can.

1331. You value the work that is done to a farthing?—As far as it is capable of being measured.

1332. But it is in point of fact brought to farthings?—Yes; such work as can be measured.

1333. Could you not value the amount of work done by a gang just as well as an individual can value the amount of the work he has done for his family?—In the endeavour to get a more accurate valuation than I have hitherto done, I employed an officer who was a tradesman to take down in the trades' parties, as nearly as possible, the work that was done, and the value of that work by measurement, as far as he could, and you will see that in every one of those parties there is a certain amount of work that he cannot value; for example, there is a party number 50 making concrete, say 25 yards, to be valued at 2*s.* 6*d.* per yard, that is the Admiralty valuation, making 3*l.* 2*s.* 6*d.*; then discharging 227 tons of mud at 9*d.*, making 8*l.* 10*s.* 3*d.*

1334. (*Mr. Waddington.*) Is that the valuation made by your tradesman?—Yes, a tradesman warder. Then removing 30 yards of clay at 6*d.*, 15*s.*; breaking 50 bushels of stone at 2*d.*, 8*s.* 4*d.*; and then comes what he cannot reckon.

1335. (*Mr. Childers.*) You do not think it practicable to affix more directly a value to the work done, so that a prisoner should have an interest with respect to his diet in doing harder work?—That is a subject that I have thought of perhaps almost more than any other subject connected with the service, but I cannot see how the work is to be measured to enable that to be effected.

1336. Is the diet of what you call the tradesmen the same as what you call the excavators?—Precisely.

1337. Do you consider that that is a reasonable arrangement?—I do not think you could alter it with advantage; I think it would work very badly if you attempted it; the tradesmen's labour is of more value, and very possibly you would get no men to act as tradesmen if you diminished their diet.

Capt. F. Powell.

13 Feb. 1863.

1338. Looking at the primary object of convict prisons the punishment of offenders, and by that means the prevention of crime, is it not reasonable that whenever it is practicable greater punishment should be inflicted when they are not injurious to the health of the men ?—

1339. But you are desirous, are you not, of making convict prisons as nearly self-supporting as possible, as well as penal ?—

1340. But do you not think it would be practicable to proportion the diet with reference to the amount of food necessary for the labour on which the men are employed ?—I do not consider that the diet now is too much for the tradesmen.

1341. Is not the food of the railway navvy twice as good as the food of the bricklayer or carpenter ?—It may be so.

1342. Is it not so ?—Yes ; I believe that a navvy will eat more, but I have no doubt that our men, when employed at navvy work, could eat more if they could get it.

1343. Under the present arrangement a man employed as a tradesman has a direct advantage, because he gets the same amount of food that he would get if he were employed on more fatiguing work ?—It is a decided advantage to be in a tradesman's party.

1344. Do you put the men into trades parties as a direct premium for good conduct ?—None but well conducted men are allowed to go into those parties.

1345. Still you do not draw a line, so that the better class of men are employed at the trades and the worst class of men employed in the more fatiguing work ?—They are not necessarily the better class of men, but the better class of men are usually selected for the more advantageous parties ; they are always desirous to get in as cooks or washers, and so forth.

1346. From what you have seen, should you say that the longest sentenced men were generally the worst characters ?—No, I should say not.

1347. Do you consider that the length of the sentence is a matter of much concern to the worst class of criminals ?—Most certainly.

1348. Do you think that transportation is a matter of much concern to the worst class of criminals ?—No, but I think that the men with long sentences would, generally speaking, prefer to be transported.

1349. (*Chairman.*) Do you mean to say that they would prefer it except as a means of getting relieved from penal labour ?—That I have no doubt weighs very greatly with them, that they may get removed from penal labour at an earlier period.

1350. What they desire is to have a ticket of leave in the colony instead of hard work on the public works in this country ?—Yes, no doubt.

1351. (*Mr. Childers.*) As transportation has been worked during the last six or seven years, it is looked upon, is it not, as a boon by the prisoners ?—Most men with long sentences look upon it as a boon.

1352. It is not offered to any but those with long sentences ?—No, not generally ; there are exceptions of course.

1353. Does your experience go back to the old days of transportation ?—No, only to the Act of 1853, with some few exceptions of long sentences, but they are so exceptional.

1354. (*Sir J. Pakington.*) With reference to your last answer, what have been your means of judging what may be the effect of a sentence of transportation upon a convict ?—My experience has been that when they know a ship is going out you will have applicants without number to be included in it. They always hope, by applying, that they may be sent out, and numbers apply.

1355. Do you think that the men under your care at Chatham are desirous of being selected to be sent to a colony ?—If their sentences are long they are, as a body.

1356. (*The O'Conor Don.*) I think you stated that the chaplain has the power of visiting any prisoner whom he may wish to see ?—Yes.

1357. No matter what his religion is ?—Not the Roman Catholics.

1358. But the Roman Catholic chaplain, I believe, has no power to visit the prisoners ?—Yes, by the recent regulations he has.

1359. (*Mr. Waddington.*) At the present time if a Catholic prisoner wishes for a visit from the Roman Catholic clergyman his wish can be gratified ?—Yes.

1360. (*The O'Conor Don.*) But he must express that wish ?—He must express a wish to see the Roman Catholic chaplain when he visits the prison.

1361. The Roman Catholic chaplain cannot visit without an expression of that wish ?—If the Roman Catholic chaplain requested it I should never refuse him.

1362. I understood you to say that the gratuity to the warder depended not upon the report he made as to the conduct of his men, but upon the report of the principal warder as to the conduct of those men ?—No.

1363. It does not depend, then, upon his own report ?—Not at all ; it depends upon the general good conduct of his party, both at work and in every other respect.

1364. It does depend upon the report he himself makes ?—Not of the individual prisoners. It depends upon the general amount of work done by the whole party, and the conduct of the party.

1365. It depends, then, upon the general report which he makes as to his gang, that is to say, if he reports that his gang has done very well he will get a gratuity, but if he reports that his gang has done badly he will not get it ?—That is not exactly it. We know from day to day how every party works. I know that personally. I am frequently on the works myself, and from my own personal observation, and the deputy governor from his own personal observation, and the chief warder from his own personal inspection, and the principal warder of a division from his own personal observation ; from all those, and especially from my own observation, the gratuity is given.

1366. Does his gratuity depend upon the observations made by the principal warder and the other superior officers, or does it depend upon the report the men have made ?—It does not depend upon his own report in the slightest degree, but upon the report of the others.

1367. (*Mr. Russell Gurney.*) Are there cases in which a warder has reported favourably of his gang, in which he has not had his gratuity ?—No; I judge myself to a very great extent upon these points.

1368. You say that there has not been a case in which a warder has reported favourably of his gang, in which he has not had his gratuity ?—I cannot say that there has.

1369. (*Mr. Waddington.*) These reports are made, the warder knowing that he is under the observation of yourself and the principal warder ?—Quite so.

1370. Therefore, if he made a false report, he would be punished instead of being rewarded ?—Quite so.

1371. (*Sir J. Pakington.*) Suppose a warder reports unfavourably of the work done by his party, and that the report is in your judgment a just report, would not that man receive his gratuity ?—A warder never

Capt. F. Powell.

13 Feb. 1863.

reports of his party generally, he reports upon the different prisoners not working properly.

1372. Do you mean that every report of a warder is a report upon each individual member of the gang?—It is quite that; if three men do not work, he will report those three men.

1373. You stated just now, as I understood you, that a warder would not have his gratuity unless he reported favourably of his gang?—Excuse me, I think I was misunderstood.

1374. (*Mr. Russell Gurney.*) I understood you to say that there was no one case in which a warder had not received his gratuity?—Then I quite misunderstood it.

1375. (*Sir J. Pakington.*) In what cases should you think it your duty to withhold the gratuity of a warder?—In the case of an officer showing incompetence in managing the working of his party, I should then take away his gratuity and report him as inefficient.

1376. Then I understand that except in cases of very gross carelessness or neglect on the part of a warder, the gratuity is a matter of course?—A small gratuity. It is a proportionate gratuity.

1377. (*Mr. Waddington.*) Proportionate to what?—To the goodness of the officer, and the work he gets done by the management of his party; those officers who manage their parties best get the most gratuities.

1378. (*Chairman.*) Suppose a warder has a dozen very bad men under him, and although he has exerted himself to the utmost, he fails in getting from them a certain amount of work, and puts them down all under "ordinary," would he in such a case be refused the gratuity?—Certainly not, if he had done his best to get the work out of them.

1379. (*Sir J. Pakington.*) You mean that he should do his best to get the work done?—Yes.

1380. That is determined partly by his own account, and is checked by your own observation and that of the other warders?—Precisely.

1381. (*Chairman.*) In fact, whether a warder gets his gratuity or not depends upon the opinion formed of his zeal and judgment in enforcing the labour, and the opinion is formed by his superior officers upon that point?—That is just it.

1382. (*Mr. Russell Gurney.*) Does it not really in practice depend very much upon the report that you find he makes upon the men?—Not in the slightest degree.

1383. (*Chairman.*) The warder does not diminish his chance of getting his own gratuity by reporting the bad conduct of any of the men under him?—Far from that.

1384. (*The O'Conor Don.*) Does the gratuity which the convict himself earns depend entirely upon the warder's report as to good conduct in labour or his good conduct in every other respect?—He gets, if he has V.G., 9*d.* a week credited to him, or 1½*d.* a day; if he gets G. for labour he gets 1*d.* a day, or 6*d.* a week. If he does not get G. he gets nothing.

1385. Then it entirely depends upon the V.G. and G.?—Yes, but he also g ets something for his class; if he is in the first class he gets 6*d.* a week from that, if in the second class he gets 4*d.* a week, and if in the third class he gets nothing.

1386. The class, of course, is for good conduct?—Yes; the other is for labour.

1387. Are you aware in what manner the convicts in Bermuda and Gibraltar receive their gratuities?—No.

1888. It would appear from your evidence with regard to the Chat-

ham mutiny, that some of the convicts who were remarkably bad in their conduct had very large gratuities coming to them?—They had been very long-sentenced men.

1389. Does their bad conduct never diminish the gratuities which they have earned?—No; whatever they have earned is credited to them, unless there is a special order by a director.

1390. They do not forfeit their gratuities?—No; except for any serious offence, when a director may order all the gratuities to be forfeited that have accrued up to that time or sometimes half.

1391. (*Mr. Waddington.*) Major Gambier, I believe, attends at Chatham and Portland, and decides upon all these cases?—Yes.

1392. And in cases where corporal punishment is to be inflicted?—Yes.

1393. (*Sir J. Pakington.*) How often does he visit Chatham prison?—Once a month.

1394. And oftener if you send for him?—Yes; that is the usual time.

1395. He would come, I suppose, on your communicating to him any special reason?—Yes.

1396. (*Mr. Waddington.*) There must always be a request, must there not, in the case of a Protestant prisoner, or does the chaplain go about visiting the Protestant prisoners who do not ask for his presence?—When I said that the Roman Catholic clergyman visits, I should explain that he never visits at night, when the prisoners are in their cells; but if there is any man whom he wishes to see, or who wishes to see him, he is detained in order that he may see him.

1397. (*The O'Conor Don.*) But the Protestant chaplain visits the prisoners of his persuasion at night?—Yes; he can do so if he likes, but I think he never exercises that, or scarcely ever does.

1398. The prisoners receive each week, as I understood you, half a day's instruction in school?—They do.

1399. And they are selected for the purpose of receiving that instruction with reference to their capacity for receiving it?—Quite so.

1400. Entirely irrespective of their religion?—Entirely.

1401. I presume then that the Catholic prisoners can be visited by the Catholic chaplain, as you have stated, only on Saturday?—They can be visited as often as the chaplain comes, but he usually comes on Saturday.

1402. You have stated that the Catholic chaplain only came on Saturday?—But that depends upon himself; if he chose to visit every day he could do so.

1403. But he does not come for the purpose of giving instruction except on Saturday?—No.

1404. Do the Catholics receive their instruction with the other prisoners?—Yes; but they have no religious instruction.

1405. I thought that the schooling consisted partly of religious instruction?—Yes, it does, but the Roman Catholic prisoners do not attend until that is over.

1406. (*Mr. Russell Gurney.*) In the book before me you have pointed out one case in which a prisoner had forfeited some portion of his remission for idleness. I have gone through the whole of the rest of the book, or about half of it, and I do not find another single case; I suppose, therefore, that they are very rare?—It is a most singular circumstance that there should not be more cases in the period. When a man is idle, and an officer tells him to go on with his work, and

Capt. F. Powell.

13 Feb. 1863.

tells him that such idleness as that will not do, and that he must report him, that is very apt to elicit an insolent answer.

1407. I wish to call your attention to some of the punishments. I see one case in which the entry is that of a prisoner striking another on the head with a stone hammer, and the man's life for a time was in danger in consequence, and he forfeited 14 days ?—Yes, that is the utmost that the governor has the power of inflicting. It is possible that when that case was reported to the director he might have directed a heavier forfeiture.

1408. (*Chairman.*) Did that man receive no corporal punishment ?—No, he had bread and water for three days, and was four days on half diet. I recollect that case perfectly well.

1409. (*Sir J. Pakington.*) Was that case referred to the director ?—It was not.

1410. For what reason ?—Because it was found to be not so serious as it was first supposed to be.

1411. Are the facts there stated correct ?—Yes, except that he was in no danger.

1412. (*Mr. Russell Gurney.*) The entry is : "Assistant Warder "Wilmott states, yesterday, about 10 a.m., Prisoner Brown, without "any provocation, struck another man named Holt two heavy blows "on the head with a stone hammer ; his head was severely cut ; he "was sent to the infirmary and admitted. Prisoner admits it ; he has "nothing to say. For some time the man's life was in danger ?"—No.

1413. (*Sir J. Pakington.*) Why was not such a case as that reported to the director ?—It was found that there was no danger at all. I remember the case perfectly well. I remanded him to the cells, with the view of reporting him to the director if it turned out to be a serious case. I visited the man in the hospital.

1414. (*Chairman.*) Does the gravity of the offence, in your opinion depend upon the accident, whether the man attacked is seriously hurt or not ?—In this case it was a thing done just in a sudden fit of passion.

1415. Is it not, in your opinion, an offence of a most serious kind when a prisoner uses a dangerous instrument like a stone hammer to commit an assault upon a fellow-prisoner ?—In most cases it would have been reported to the director ; but this was found to be a much more trivial case than it was supposed to be.

1146. (*Sir J. Pakington.*) Do you mean that it was trivial in its results, or that the act in itself was trivial ?—The man was working with a stone hammer in a shed at the time ; the other man said something impertinent to him, and he took up the hammer and struck him.

1417. Do you not think, for the sake of discipline in such establishments, that such an act required to be visited with some severe punishment ?—I really acted in that case to the best of my judgment. Had I found it to be a more severe case, I might have acted differently ; but I did not find it so serious as was supposed.

1418. In your judgment was it sufficiently met by the exercise of the limited power that you are allowed to exercise ?—In that instance.

1419. (*Mr. Waddington.*) Was the injury not so serious in that case as it was supposed ?—No.

1420. Did you infer that the blow had been struck not with the intention of doing the man any injury, but in the heat of passion ?—Yes, it was struck at the moment.

1421. You are aware that in law it would be considered either a very serious offence or a moderate offence, according to the intention of the

offender ?—Yes; it was done in a sudden fit of anger, just at the moment.

1422. (*Mr. Russell Gurney.*) I observe another entry in the very next day: "Throwing a piece of wood at another prisoner, and "threatening to murder him." That man forfeited three days ?—Yes.

1423. Here is another entry. "For refusing to put on a pair of "trousers when ordered, and for using threatening language to the "officer." He was merely admonished ?—Yes.

1424. On the same day: "For using highly insubordinate language "and threatening when visited by the chief warder." He was admonished. "The prisoner states he was very sorry." Then on May 19th for "using threatening language towards the warder, and for "resisting him in the execution of his duty." He forfeited seven days ?—And he had two days bread and water.

1425. He said "When I come out I will warm his bloody head for "him." He had two days bread and water and forfeited seven days of his remission. Then in another case, "striking another "prisoner," admonished ?—Yes.

1426. There is one case in which the prisoner threatened the governor that "he would hang for him yet" ?—We have very limited power of punishment.

1427. (*Sir J. Pakington.*) Considering the large number of men under your charge and the character of those men, and also bearing in mind what has occurred in that establishment, do you think it is desirable that you should have as governor the power of inflicting corporal punishment ?—I think there are cases in which that might be very desirable.

1428. Have you ever felt the want of that power to be a disadvantage to you in maintaining the discipline of the establishment ?—I may say that I have.

1429. (*Mr. Waddington.*) I suppose it is very desirable, in case of corporal punishment, that it should be inflicted promptly ?—That is my view of it.

1430. That, you consider, is the principal advantage of it ?—Yes.

1431. With reference to one important point, that of increasing the severity of the discipline and diminishing the diet, do you think that that could be done without producing a very bad effect upon the minds of the prisoners, and upon their conduct ?—I am sure that it would produce a very bad effect if it were made retrospective.

1432. You mean with the present prisoners, if you made any considerable reduction in the diet, and restricted their intercourse with their friends, it would be very difficult to maintain order in the prison ?—Very difficult.

1433. It would be necessary, I suppose, if you made such a regulation, to diminish the diet of all, without reference to the length of their sentences, or to the nature of their crimes ?—It would be absolutely necessary that it should be all the same.

1434. With regard to restricting their intercourse with their friends, have you reason to suppose that the intercourse with their friends produces rather a good than a bad effect upon the minds of the prisoners ?—In many instances it is decidedly humanizing and good.

1435. They carry on considerable correspondence, do they not, under the supervision of the prison officers ?—They do. Every letter is read either by the governor or the deputy governor, or the chaplain and the assistant chaplain.

1436. If there is anything improper in a letter it is not sent ?—No, it is always stopped.

Capt. F. Powell.

13 Feb. 1863.

1437. Have you, from having read these letters, reason to believe that they contain, in many cases, expressions which are dictated by very good and proper feelings ?—Yes.

1438. Would those feelings be very much shocked by their intercourse with their friends being cut off ?—No doubt of it.

1439. Do you think it would produce a bad moral effect upon the men ?—That is my opinion.

1440. As to increasing the severity of the punishment, and making the system more penal, do you think that can be done to any extent ?—I consider it wholly unadvisable.

1441. Would it be at all conducive in any way to the reformation of the prisoners ?—I do not consider that it would.

1442. Or that it would promote their good conduct in prison ?—Certainly not.

1443. Of that you entertain no doubt ?—None.

1444. So far from being conducive to their good conduct in prison, inferior diet, and the restriction that has been spoken of, would render the prisoners discontented and insubordinate ?—I believe so.

1445. With reference to the mode of paying the prisoners their gratuities, is that done through you ?—Yes, it is, except in the case of those prisoners who go to the Aid Society.

1446. In the ordinary cases the inquiries with respect to their conduct, and which we have heard are made before the gratuities are paid to the men, are made under your auspices ?—Yes, they are.

1447. What is the nature of the inquiries that are made before a prisoner receives his gratuity, that is, his second instalment ?—A prisoner is required to forward a certificate from a magistrate or the clergyman of the parish in which he resides, stating that he is obtaining his livelihood in an honest and respectable manner.

1448. How long after his discharge is it that the certificate is called for ?—In the event of the gratuity being large, it is two months for the first instalment, and five months for the second instalment.

1449. But a prisoner is paid, I believe, a certain portion on his discharge ?—Yes, 5*s.* are given to him to put in his pocket on his discharge, and a post office order for 1*l.* 15*s.* is sent to him wherever he may be going to, without any certificate, making 2*l.* together.

1450. Is the amount the same, the 1*l.* 15*s.*, whatever the total amount of the gratuity may be ?—Yes, the expense of his letters being deducted out of it, which amounts to 1*s.* or 2*s.* He then, in ten days' time, gets a further remittance of 2*l.*, in addition to the 1*l.* 15*s.*, upon his application being made, stating where he is. Then the remainder of the balance, if at all large, is divided into two parts; the first part is paid when he has been released two months, upon the receipt of a certificate from a magistrate or the clergyman of the parish, stating that he is gaining his livelihood in an honest manner.

1451. Have you got a copy of the form and the instructions which the prisoner receives ?—Yes (*handing in the same*).

App. No. 4. B.

1452. Are there many cases in which the certificates fail to arrive ?—340 convicts were released last year from Chatham prison, and out of that number 156 placed their earnings in the hands of the Aid Society, and it appears by a return that I obtained from them, that 66 were assisted to emigrate, employment was obtained for 49, and the remainder, with few exceptions, have been assisted in various other ways. In addition to those, 12 convicts went to the Birmingham Aid Society, making a total of 168 who gave up their earnings to those two societies. The certificates of 169 convicts became due during the year, but they were not exactly those who were discharged during the year ;

some were for the previous year. 148 were enabled to produce perfectly satisfactory certificates out of 169. *Capt. F. Powell.*

1453. (*Lord Cranworth.*) Independently of those who went to the Prisoners' Aid Society ?—Yes; altogether 15 did not apply for their balances, and six were withheld in consequence of the certificates not being satisfactory. 13 Feb. 1863.

1454. What is the whole number of those discharged in that year whose gratuities have not been paid ?—21.

1455. Out of 340 ?—Yes.

1456. Sometimes the second instalment exhausts the whole gratuity, does it not ?—Yes, and in that case it is paid in three months afterwards, and if small in two months.

1457. (*Mr. Russell Gurney.*) Can you state what proportion of the prisoners receive their gratuities at the end of five months ?—I will supply that.

1458. (*The O'Conor Don.*) Are we to understand that the 169, whose gratuities became due, were a portion of the 340 ?—Not all, but a portion of them; the greatest portion.

1459. But all the 169 were included in the 340?—No; it brings it to within one absolutely of the same number.

1460. (*Mr. Waddington.*) With respect to the Prisoners' Aid Society, when a gratuity is paid over to them, it is so paid by the request of the prisoner ?—Entirely.

1461. He has the option of receiving it according to the rules which you have referred to, or of paying it at once to the Aid Society who undertake afterwards to assist him ?—That is it.

1462. The money is paid through you ?—Yes; I pay the money into the hands of the society.

1463. And that is paid by instalments ?—It is transferred from my bankers to their bankers, the whole of it at once.

1464. Then you have no further concern as to its disposal ?—No; but I receive a report from the Aid Society informing me what the disposal of it has been.

1465. They dispose of it for the advantage of the prisoner as they think best ?—Just so.

1466. (*Lord Cranworth.*) Does any part of the gratuity ever come into the hands of a prisoner while he is in prison ?—Never.

1467. (*Chairman.*) They cannot expend any portion of the gratuity they earn upon tobacco, or anything else ?—Not a farthing of it.

1468. (*Mr. Russell Gurney.*) It would be desirable to have a statement showing the prorportion of those who receive their gratuities at the end of three months, and the end of five, and whether the 21 who failed, were persons who had to receive their gratuities at the end of five months ?—That shall be furnished. App. No. 4. C

1469. (*Mr. Waddington.*) Could you give the same account for the year 1861 ?—I will send it in.

1470. In the case of a three years' man, if he were reported to have conducted himself well at the end of five months, that would bring it close to the termination of his licence ?—Yes.

The witness withdrew.

Mr. Edward Turner examined. *Mr. E. Turner*

1471. (*Mr. Waddington.*) Are you the chief warder of Chatham Prison ?—Yes.

1472. How long have you filled that situation ?—About seven months.

Mr. E. Turner.

13 Feb. 1863.

1473. Were you the principal warder before?—Yes.

1474. How long have you been a warder at that prison?—Six years and four months.

1475. Did you commence as an ordinary warder?—Yes, at Millbank 13 years ago.

1476. Since you have been chief warder at Chatham Prison what has been the conduct of the prisoners generally, has it been satisfactory?—Yes, very satisfactory.

1477. You have attended, I believe, to a considerable part of the evidence given by Capt. Powell?—Yes.

1478. Do you agree with him in the general statement he has made as to the discipline and the mode in which the prisoners are treated at Chatham?—I do.

1479. Have you anything to add to what you heard him say or any information that you wish to give to the Commission?—The only thing that I was not exactly clear upon was that I think the powers of the governor ought to be extended greatly.

1480. In what respect should they be extended. Do you mean with regard to the power of inflicting punishment?—Yes.

1481. Would you give him the power of inflicting corporal punishment?—Yes, and heavier doses of bread and water.

1482. For a longer period?—Yes.

1483. Would you also have corporal punishment inflicted of a more severe nature than at present, a greater number of lashes?—Yes; I think that 36 is a small enough number for any prisoner who deserves it.

1484. The instrument by which it is inflicted is not, I believe, of a very painful nature?—No, not nearly so severe as the cats that were used at the time of the disturbance.

1485. The cats have been made less painful since?—Yes; there has not been any call for punishment since.

1486. There has not been a case of corporal punishment, I believe, for two years?—No, two years and two days.

1487. Have you been in the habit of observing the mode in which the prisoners work at Chatham?—Yes, I have visited the works twice a day since I have been chief warder.

1488. Do you go round all the works?—Yes, except those at the gun wharf, and they are at too great a distance.

1489. Have you been satisfied with the manner in which the convicts have worked?—Generally I have.

1490. Generally, do they appear to you to do a fair day's work?—Yes, and I am very well satisfied with it.

1491. Do you conceive that the diet is at all too liberal to keep them in good working order?—Not the ordinary diet of the prison.

1492. (*Chairman.*) Have you observed any apprehension on the part of the warders in any cases as to making a bad report of the men, for fear of doing injury to themselves?—It would have no effect upon them; they have no fear of that kind; it cannot affect them in any way.

1493. Have you never heard a convict threaten to do injury to a warder in consequence of his making a bad report of him?—Prisoners have threatened officers for reporting them for misconduct, but they are invariably reported for that and punished for it.

1494. Do you think that the convicts seriously mean what they say?—In 19 cases out of 20 I think that they do not, and that they never intend to carry their threats into execution.

1495. But sometimes they have attempted it, have they not?—Yes.

1496. Do you think that the apprehension of that never influences the warder with respect to putting a man down V.G., G., or O ?—I do not think it would influence an officer in any way; some officers might be timid in the case of threats being made by prisoners, but the majority of these warders have been in the army, they have been soldiers, and they are not a timid class of men. *Mr. E. Turner.* 13 Feb. 1863.

The witness withdrew.

Adjourned to Tuesday next at 12 o'clock.

Tuesday, 17th February 1863.

PRESENT :

Earl GREY.	Mr. WALPOLE.
Lord NAAS.	Mr. WADDINGTON.
Lord CRANWORTH.	Mr. RUSSELL GURNEY.
Mr. BOUVERIE.	The O'CONOR DON.
Sir JOHN PAKINGTON.	Mr. CHILDERS.

EARL GREY IN THE CHAIR.

Sir RICHARD MAYNE, K.C.B., examined. *Sir R. Mayne, K.C.B.* 17 Feb. 1863.

1497. (*Mr. Waddington.*) You have been a commissioner of the metropolitan police since the foundation of the force, I believe ?—I have.

1498. And that was formed, I believe, in the year 1829 ?—Yes, in July.

1499. The metropolitan returns that I have before me, of crime in the metropolis, commence in the year 1831 ?—Yes.

1500. Do you hold in your hand an extract from the metropolitan police department, being "a comparative statement from the year 1831 "to 1861, inclusive"?—Yes (*handing in the same*). App. No. 5. A.

1501. Looking at that return, and considering the very enormous increase of the population of your district since the year 1831, has there been any increase of crime up to the end of the year 1861 ?—The comparison, I should say, should be made from 1840, because the district was then greatly enlarged, as it continues to be up to the present time.

1502. Then, I think, in the year 1855 the Criminal Justice Act was passed, which entirely deranges the returns, as to indictable offences and summary convictions ?—Yes, it does.

1503. The operation of that Act, which I believe came into full force in the year 1856, was to transfer about 2,000 cases from the indictable offences to the summary convictions ?—Yes; for instance, with regard to those committed for trial, the number committed for trial in 1854 was 5,159, and in the next year they were 3,859. In the following year they were again less, 3,238 ; in 1857, 3,069 ; in 1858, 2,654 ; in 1859, 2,853 ; in 1860, 2,813. Then in 1861 and 1862 there is an increase again upon those latter numbers.

1504. Comparing 1861 with 1856, I think you will find that the number committed for trial in 1861 is about 100 smaller than in 1856 ?—Yes.

1505. That is for indictable offences ?—Yes.

1506. Of course, there has been a very considerable increase in the population between 1856 and 1861 ?—Yes, considerable.

Sir R. Mayne, K.C.B.

17 Feb. 1863.

1507. What is about the rate of increase of the population in your district?—I think it has been about 1,000 a week. The population of the metropolitan districts was in 1851 2,562,932, and in 1861 3,118,754.

1508. I think it has been considered to be about 50,000 a year?—Fully that.

1509. That would give a very large augmentation, would it not?—Yes.

1510. That being the state of things up to the end of 1861, I am afraid in 1862 that there was a change for the worse?—Yes, to a very considerable extent. For instance, of those taken into custody, I will take the two preceding years, 1860 and 1861. In 1860 the whole number taken into custody in the metropolitan districts was 62,937.

1511. For all descriptions of offences?—Yes, including even drunken and disorderly cases. In 1861 it was 63,244, while in 1862 it is 68,287.

1512. The increase in 1861 was very slight indeed?—Yes.

1513. (*Chairman.*) What is the difference between 1862 and 1860?—The increase is 570. I have taken the per-centage here; it is $8\frac{1}{2}$ in the year 1862 over 1860, and 8 in the year 1862 over 1861. Then, taking those committed for trial in 1860, they were 2,813; in 1861, 3,044; and in 1862, 3,622. That being the increase of persons apprehended, the per-centage in 1862 over 1860 was $28\frac{3}{4}$, and in 1862 over 1861 of 19. That is the increase of those committed for trial.

1514. (*Mr. Waddington.*) I am afraid that the peculiar feature of the increase in 1862 was in the greater number of offences of burglary, and attacks upon the person, with intent to rob?—That is so. I have the returns here, which I will hand in.

1515. Do you produce returns to show for the three years, 1860, 1861, and 1862, the number of offences that came to the knowledge of the police, and the number of persons apprehended, as far as can be ascertained, and the descriptions of the persons apprehended?—Yes (*the same being handed in*).

App. No. 5. B.

It is a return of the number of cases of robbery with violence. In 1860 they were 18, and in 1861 17. I have taken those for six months.

1516. Those are for the last six months of the years 1860, 1861, and 1862?—Yes; I have taken them for six months, as a remarkable increase of robberies with violence in the streets commenced at the beginning of July. It is, in fact, from the attack that was made upon Mr. Pilkington, in Waterloo Place. In 1860, the number of cases of robberies with violence was 18; in 1861, 17; and in 1862, 82.

1517. Therefore in 1861 there was a slight decrease of one?—Yes; whereas in 1862 they jumped from 17 in the previous year to 82 in the six months.

1518. Can you state generally, without the exact returns, whether there was any increase in the first six months of 1862 in those offences?—I think not.

App. No. 5. C.

1519. You will be good enough to supply the exact figures?—Yes. I will now give you the number of cases of burglary in the last six months of 1860. In those six months there were 106 cases; in 1861, 103; and in 1862, 143. Of course it will be remembered that that includes all sorts of cases, from the mere opening of a window or a door fastened in the ordinary way to breaking in with violence.

1520. It is not a burglary in the eye of the law unless the offence be committed within certain hours?—I mean at night.

1521. (*Mr. Waddington.*) You do not mean that those were all cases of burglary with violence?—No.

1522. There is an immense difference between a serious burglary

attended with violence and a mere burglary, such as breaking with intent to steal?—Very great; it may be the mere opening of a window if closed down, and taking anything that may be carried off. *Sir R. Mayne, K.C.B.* 17 Feb. 1863.

1523. (*Sir J. Pakington.*) It is a forcible entry during the night?—It is forcible, constructively; but it may be only opening a window or a door and putting a hand in.

1524. (*Lord Cranworth.*) There is a particular offence of burglary with violence to the person?—Or it may be with intent only to steal.

1525. Have you any returns showing how many there were committed for trial upon that sort of burglary?—No, I have not; but I can have such a return made out. App. No. 5. D.

1526. (*Mr. Waddington*) I think there have not been many cases of atrocious burglary?—Not many.

1527. (*Mr. Russell Gurney.*) By what may be called professional burglars?—Yes.

1528. (*Mr. Waddington.*) There were some cases in 1861, there was a very bad case, I believe?—Yes; I have the particulars here of a case that occurred, I think, in Fulham Place, Notting Hill.

1529. Was that in 1861?—Yes, October 1861.

1530. (*Sir J. Pakington.*) May it not be considered that if a man forcibly enters a dwelling during the night, the fact of committing violence or not may be the mere result of accident?—No doubt it may.

1531. (*Mr. Waddington.*) Is it necessary that a man should enter a house to constitute a burglary?—No.

1532. A merely putting in of the hands would do?—Yes; there were 124 cases of burglary in 1860; and 120, showing a small diminution, in 1861; whereas there were 225 in 1862 of the two classes of burglaries and highway robberies.

1533. (*Chairman.*) Those are the cases which came to the knowledge of the police?—Yes. I will now give the numbers of the persons apprehended.

1534. (*Mr. Walpole.*) You have given us the increase in the number of offences against the person in the last half of 1862, as compared with the last half of 1860; was the increase in the offence of burglary chiefly confined to the last half of 1862, as well as the offences against the person?—I cannot state that now. I will send a return. App. No. 6. C.

1535. Does it apply to cases of burglary as well?—Yes.

1536. Generally speaking, we may assume that the great increase with regard to both of those offences was in the latter half of 1862?—Yes, especially highway robbery; the burglaries are only from 103 to 143, whereas the robberies are from 17 to 82.

1537. (*Mr. Waddington.*) Will you state the amount of property stolen?—In robberies with violence, in 1860, the amount was 293*l.*; in 1861, 39*l.*; and in 1862, 269*l.* That is the amount of the property taken, and it is a remarkable feature with regard to the robberies of that last six months that they were almost all effected instantaneously, and in several cases the parties stated that they could not give the least account of how they were attacked, or of anything beyond the fact of their being attacked, and finding then that a watch had been snatched; for instance, in both the case of Mr. Pilkington and the case that occurred on the same night, at the top of St. James's Street, Piccadilly, in the case of Mr. Hawkins, they had money in their pockets which was not taken, but merely a watch, the parties disappearing immediately.

1538. (*Sir J. Pakington.*) The amounts you have just stated refer only to robberies from the person?—Yes.

Sir R. Mayne, K.C.B.

17 Feb. 1863.

1539. (*Lord Cranworth.*) When you speak of so many pounds you include in that the value of the watches, as estimated ?—Yes, by the parties, and no doubt it is a liberal estimate. Then the burglaries in 1860 produced 1,275*l.*; in 1861, 1,309*l.*; and in 1862, 1,614*l.* As to the value of the property taken in burglaries, that varies very much, inasmuch as, if it is a jeweller's shop, or a watchmaker's, there is in a small compass very great value which is carried off.

1540. The cases you have referred to were cases in which complaints were made to the police, including persons apprehended and not apprehended ?—Yes, and I will now give the number of the persons apprehended for robberies with violence; there were 18 persons apprehended in 1860, 21 in 1861, and 92 in 1862.

1541. (*Mr. Waddington.*) I understand you to say that the amounts you have given were taken from the statements of the parties who complained to the police ?—Yes.

1542. Had the police, from any other means of information, any reason to suppose that those statements were incorrect ?—No, except from the general tendency to exaggerate.

1543. If anything, the amounts would be rather smaller than larger ?—Yes.

1544. (*Mr. Russell Gurney.*) Is there any doubt that a burglary or robbery with violence is reported to the police ?—None. I can, if necessary, give for each year the estimated total loss of property.

1545. (*Mr. Waddington.*) That is regularly published in your monthly returns, is it not ?—Yes.

1546. (*Sir J. Pakington.*) You mean in your district ?—Yes, within the police district.

1547. (*Mr. Waddington.*) With respect to the cases in 1862, in almost every case has it become known to the police that some persons had been apprehended as suspected ?—Yes, a very large proportion. I can state them exactly in cases of robbery with violence for six months of those three years. There are two cases in which none were apprehended, that is two out of 18. In 1861 there were some apprehended in every case. In 1862, of the 82 cases, 19 occurred in which none were apprehended.

1548. (*Chairman.*) That is, 19 escaped altogether ?—Yes, and that has happened in several cases; but we believe that there are certainly cases in which, although not apprehended for the particular offence, they are apprehended and convicted afterwards for other offences, as, for instance in the case of Mr. Pilkington, I have no doubt that the parties who committed that offence have now been sentenced, one to penal servitude for life, and the other to 20 years.

1549. (*Mr. Waddington.*) Was that for another robbery of the same description ?—Yes, and it was a remarkable case, for although the parties were suspected from the first, there was no evidence or possibility of producing evidence, because nobody had seen the act done. Mr. Pilkington could give no account whatever of it; but from the way in which the police get information, and from the statement of two parties who were almost immediately afterwards apprehended, and committed as suspected characters for three months, it was believed that they were the parties. On their liberation, at the end of that time, they were again apprehended, and committed for a highway robbery with violence, and for that they were sentenced as I have stated.

1550. That, I believe, was one of the cases tried before Mr. Baron Bramwell ?—Yes.

1551. (*Mr. Bouverie.*) Those men had been ticket-of-leave men ?—Yes.

1552. But they were not so at that time ?—No ; those men were apprehended and convicted, and one was sentenced for life, and the other for 20 years.

1553. (*Mr. Waddington.*) What you have been stating just now, as to the large number of persons apprehended, applies to robberies with violence, and not to burglaries ?—No, but I can state them.

1554. Will you be good enough to state the number of cases of burglaries in which no one was apprehended ?—In 1860 there were 47 cases in which there were no apprehensions, in 1861 there were 18, and in 1862 there were 90 cases out of 225.

1555. Of course, in burglaries, if the parties get off at the time, unless the property is traced to them, it is hardly possible to reach them ?—It is very difficult, but in some cases persons are seen near the place, and then from other circumstances they are finally detected and brought to justice. For robberies with violence, there were in 1860, 18 ; in 1861, 21 ; and in 1862, 92. Of burglaries, there were 54 in 1860 ; in 1861, 52 ; and in 1862, 77. The proportion of those apprehended in 1862 was greater than in 1861.

1556. Can you now give the characters of the persons apprehended, as far as they were known ?—The number of persons known to the police to have been at the time on tickets of leave, were, in 1860, for those two classes of offences none ; in 1861, two ; and in 1862, four. The tickets of leave were unexpired.

1557. None in the first of the three years, two in the second, and four in 1862 ?—Yes ; I should state that these returns are very imperfect, because the police have no certain means of knowing whether the parties are on ticket of leave or not. Of those returned after penal servitude, in 1860 there were seven, which means that they were at large after penal servitude ; there were eight in 1861, and 13 in 1862.

1558. I suppose, although you have no particular information as to ticket-of-leave men, or as to penal-servitude men, a great many of them are perfectly well known to the police ?—Numbers.

1559. (*Mr. Russell Gurney.*) And a great number also unknown ?—Yes ; after three years or more of penal servitude a man generally comes out looking fatter, and it is then difficult to recognize him ; the police have, in fact, a great deal of difficulty in recognizing them, and they are very strictly cautioned not to speak to a man unless they can certainly identify him. In 1860, there were of persons previously convicted, but not sentenced to penal servitude, 18 ; in 1861, 24 ; and in 1862, 66.

1560. Those persons had been, I suppose, principally convicted at the sessions, or at the Central Criminal Court, and received sentences of imprisonment ?—Yes, what is called with hard labour. Then of those who were known to be thieves, or associates of thieves, there were, in 1860, 18 ; in 1861, 10 ; and in 1862, 34.

1561. That seems to be the largest increase of any ?—Yes, of the previously convicted, but not sentenced to penal servitude.

1562. Those known thieves and associates of thieves are persons who are known to have been previously convicted ?—Yes, or who live by the commission of crime, although they are not detected. Then, of " characters unknown," there are 29 in 1860, 29 in 1861, and 52 in 1862.

1563. Can you state generally whether a large proportion of those were convicted of those who were apprehended ?—A large proportion, but I have not got a return of that here. I have the whole number of

Sir R. Mayne, K.C.B.

17 Feb. 1863.

persons (and that may bear upon the question) taken into custody by the metropolitan police, and recognized as having been in custody more than once for felony during the year 1862 and the previous years.

1564. Will you have the goodness to put in that return?—Yes (*handing in the same*).

App. No. 5. E.

1565. That is a return of the number of persons recognized as having been more than once in custody for felony during the last eight years, including the year 1862?—Yes.

1566. Does it appear from that return that the number of old offenders who were known to the police in 1862 was no larger than that in the previous years?—It is somewhat larger; for instance, in 1859, the total of five times and upwards, is one less; but taking the second time, of which by far the greater number is composed, the number is, in 1861, 454; and in 1862, 469.

1567. (*Sir J. Pakington.*) That is only for twice?—Yes; for three times they are fewer.

1568. (*Mr. Waddington.*) And for four times how does it stand?—There are six in each year.

1569. (*Sir J. Pakington.*) The general aggregate is less?—Yes, only one; but with reference to second convictions, and referring to the two classes of crime, burglaries and highway robberies, police experience, I may say, is, that the greater number of those cases are committed by persons between the ages of 15 and 30. In crimes of violence, both of highway robbery and burglary, there has been a considerable increase in the last year. Taking them from the ages of 15 to 20, there were 125 in 1860, 128 in 1861, and 154 in 1862. Then from the age of 20 to 25 there were, in 1860, 98, in 1861 there were 102, and in 1862 110. From the age of 25 to 30, in 1860, there were 63, 49 in 1861, and 70 in 1862. There has been a great increase in the two classes of crime, burglaries and highway robberies.

1570. (*Mr. Waddington.*) You say that, although the number of those old offenders who had been previously known to have committed felony had not increased in 1862, yet it has increased in what you consider the most dangerous ages?—Yes, that is between 15 and 30.

1571. You have given the number of those who had been previously twice convicted?—Yes.

1572. But the number of those who had been previously three times convicted diminished in 1862?—Yes.

1573. And also those who had been more than three times convicted?—Yes; and I think that for simple larcenies, upon the whole, there has been a diminution in that year.

1574. Can you also produce an extract from the returns showing the number of reputed thieves and suspicious characters taken into custody in the same six months in the three years which have been mentioned?—The number of reputed thieves and suspicious characters I have for the three years, 1860, 1861, and 1862; but this is for the year and not for the six months. Taken together, male and female, the total number in 1860 was 2,632; in 1861, 1,853; and in 1862, 2,730. The increase and decrease are shown in this table (*handing in the same*).

App. No. 5. F.

1575. That shows a diminution in 1861?—Yes, and a large increase in 1862 again. There is a return also which is very much of the same class, but somewhat differing also, of those who are called suspicious characters and persons apprehended for loitering with intent to commit a felony, including, no doubt, a great many of the same class, but still those who were not known before.

App. No. 5. G.

1576. Your jurisdiction under the Metropolitan Police Act is over

persons found at night and then suspected of being about to commit a felony, whether reputed thieves or not?—Yes.

1577. In the daytime they must be reputed thieves or idle and disorderly persons?—Yes, or incorrigible rogues, and they are dealt with under the Vagrant Act.

1578. It is clear from all those returns that a large increase in the crime of the metropolis took place in the year 1862?—Certainly.

1579. Can you, from your observation and great experience, state any cause which produced that great increase of crime, particularly in 1862?—I certainly attribute it in a great measure, knowing that it is very difficult to account for these things, to the accumulation of criminals in the metropolis who have not the means of obtaining an honest livelihood, who have been released after undergoing very short sentences, and in some cases those sentences shortened mischievously by tickets of leave or letters of licence.

1580. Can you state how it happened that that system did not produce a similar effect until the last six months of 1862, because the same causes had been in operation since the year 1857?—I am very much at a loss to account for it. I have watched it with great anxiety from the first, and it was the opinion of every police officer, particularly those who were employed as detectives, that there was a large number of these men abroad who were living by the commission of crime, and that of those who were released from prison, although many of them did not commit crime themselves, yet they instigated others to the commission of crime, and gave them the benefit of their experience and skill.

1581. Since the cessation of transportation there has been, of course, a large accumulation of old offenders?—A considerable number every year.

1582. That number must be gradually and steadily increasing every year?—I apprehend that it must do so. A number who are released have not the means, even of those who are disposed to do so, of living honestly, and I believe that the love of thieving and the love of criminal practices is like some other passions of human nature, and that you cannot eradicate them.

1583. With respect to that particular form of crime which is commonly called garotting, do you remember that there was an outbreak of that in the winter of 1855?—Yes, and it is very difficult to account for these states of insecurity which every now and then occur, or an increase in a particular class of crime. I believe that the increase now referred to was mainly owing to one or two remarkable cases, especially that of Mr. Pilkington, which caused so much talk and excitement at the time. That directed the attention of this class of criminals to that particular kind of offence; it was rather from a spirit of imitation, which I have found several times before.

1584. (*Lord Naas.*) And the success that attended it?—Yes, in fact, the obvious success if persons were daring enough. I think it also became more generally known among the criminal population that the punishment endured was not a very severe one, and therefore the punishment had not a deterring effect.

1585. (*Mr. Waddington.*) You are aware that between 1853 and 1857 no tickets of leave were granted to convicts under short sentences of penal servitude, and that they served out the whole of their sentences?—Yes.

1586. The change was effected in the year 1857, but that would not come into operation till about the year 1860?—Just so.

1587. Has it been in the three last years that the short sentenced men since the Act of 1857 have been discharged on tickets of leave?—

Sir R. Mayne, K.C.B.

17 Feb. 1863.

Yes, in a very large proportion. The return which I have before me, and which has been printed from the criminal statistics, shows the increase. In 1861 there were 2,678 sentenced to penal servitude, and in 1862 3,369, showing how great an increase there has been of sentences of penal servitude.

1588. With regard to the accumulation of ticket-of-leave men in London, one of the reasons is that those are almost all men who have received short sentences?—Yes, and that could not have come into operation for any sentence of more than four years in or after 1857.

1589. Your judgment is, that the fact of so many of those penal servitude convicts having been discharged after a short duration of imprisonment with remissions of the sentence is likely to have a very bad effect upon the criminal classes generally?—Undoubtedly I think it has.

1590. Do you suppose there is a prevalent notion that the remission is considerably larger than it really is?—Unquestionably. Few only know how limited the period really is; but many people think—it is possible that the public at large think—the criminal population I believe think that it is much greater. With regard to cases of penal servitude for life, although the time at which the prisoner is considered eligible for a remission has not yet arrived in any case of a life sentence, I believe it is supposed that it will be reduced to a few years, and that feeling extends to other classes.

1591. Have you seen it repeatedly stated in the newspapers, and heard it stated, that they may expect a remission of more than half of their sentences?—Frequently.

1592. (*Lord Naas.*) Do you think there is a general impression among these classes that a sentence of penal servitude for life does not exist?—Certainly. There is an evil, too, I think, in the remissions, especially as they are under a misconception as to the period remitted; that a sentence pronounced in court does not produce the same effect as it otherwise would, from the belief that it is only partially true.

1593. (*Mr. Waddington.*) You are aware that the proportion of short sentences of three years has very much increased of late?—Yes, so I have observed.

1594. Do you consider that that is a desirable mode of administering the law?—No; I regret it very much, for I think it is calculated to do great mischief when such sentences are pronounced by the judges.

1595. Do you think, in point of fact, that a sentence of three years, with the probability of a considerable remission, is likely to have a deterring effect?—I think not. I do not believe that it affects either those persons who have suffered it, or those who might be deterred by a severer sentence. There was a remarkable case which occurred within a day or two. I may state that the gratuities to convicts released on tickets of leave are paid through the police, and a man, two days ago, when he received his gratuity, stated that he knew that several persons in the agricultural districts were very glad to get into prison, as they were so much better taken care of, and they had no fear whatsoever of it. I have the case here, and the name of the man who stated it.

1596. (*Sir J. Pakington.*) Did that apply to ordinary imprisonment or to penal servitude?—To penal servitude; the gratuity is only given to those who are released from penal servitude.

1597. (*Mr. Waddington.*) In considering the deterring effect of a sentence, are you of opinion that the amount of the gratuities may diminish that deterring effect?—They certainly have that effect.

1598. I believe that since the year 1857 the gratuities to penal servi-

tude men discharged in your district have been paid through the police?—Yes.

1599. Will you be good enough to describe to the Commission how that is done?—The general course is this: a communication is made by the governor of the prison, stating that such a gratuity is to be paid to such an individual.

1600. (*Mr. Bouverie.*) To whom is that communication made?—To me. Upon that an inquiry is made by the police, by my orders, whether the party is conducting himself properly, and if the answer is satisfactory the gratuity is paid; we pay it on behalf of the Inspector-General of Prisons, but in the first instance it is advanced out of the police funds, and repaid by the Inspector-General of Prisons.

1601. Will you state now the number as to whom inquiries have been made, and what the results have been?—The total numbers that have been paid since the year 1857 to the 31st December 1861 were 160, and the amount paid to them was 597*l.*

1602. That was the number actually paid and the amount, what was the number as to whom inquiries were made, and the gratuity was paid?—That I have not got, but I will supply it. App. No. 5. H. App. No. 5. I.

1603. Were there many to whom payments were refused on account of the inquiries turning out unsatisfactorily?—Several.

1604. (*Mr. Walpole.*) Are inquiries made in all cases in which gratuities are paid?—In every case where gratuities are paid through the police; with one or two exceptions, they have been all paid through the police.

1605. (*Mr. Waddington.*) Except those who take their gratuities to the Prisoners' Aid Societies?—Yes.

1606. Now be good enough to give the numbers for 1862?—I have a return here (*handing in the same*). In 1862, in one case there was a man who received 15*l.* 17*s.* 9*d.* App. No. 5. K.

1607. In one payment?—No, in different payments.

1608. Were inquiries made each time?—Yes; the number of payments in that case was two.

1609. Was that a man who had been at Bermuda?—He was released from Millbank; I do not know whether he came from Bermuda.

1610. (*Lord Naas.*) How many years' imprisonment had the man to undergo in that case?—I do not know.

1611. (*Sir J. Pakington.*) That money was paid in two payments?—Yes.

1612. At what intervals?—On the 14th of January and the 9th May in 1862.

1613. (*Mr. Walpole.*) What was the result of the inquiry in those two cases?—No doubt favourable, or the money would not have been paid.

1614. Have you had any mark against that man since?—I think not. I find the case of another man, to whom 7*l.* 10*s.* was paid, and to another man 10*l.*, from Portland. I may mention that the first payment is not made through the police, or was not until lately; just now, or within the last month or two, they are so made.

1615. (*Mr. Waddington.*) None of the cases that you have given include the first payment?—None of them.

1616. The whole sum you paid in 1862 was 240*l.*, making, with the sums paid in the previous five years, 837*l.* 19*s.* 6*d.*?—Yes.

1617. (*The O'Conor Don.*) How many individuals were paid in 1862?—There were 58 cases, and the sum paid was 240*l.*

1618. (*Mr. Waddington.*) That must be a very small number of those released or discharged in the year 1858?—The number released

Sir R. Mayne, K.C.B.

17 Feb. 1863.

I do not know, but, according to the arrangement that has just been made, and which has been only tried for one week as yet, the number released was 11. Under a late arrangement, made by Sir George Grey's direction, all prisoners to be released who are coming to the metropolitan district are sent up to Millbank prison to be discharged, and once a week they are seen by the police.

1619. That order was issued within the last month?—Yes.

1620. I believe that Sir George Grey has been lately in communication with you, to consider the practicability of putting these men under your supervision?—He has, and after some communications it was suspended in consequence of the appointment of this Commission.

1621. No definite arrangement was come to until the Commission had reported its opinion?—No; the only part that has been acted upon is that with regard to the inspection of convicts at Millbank. The arrangement was first made in this way, and which I said was carried out a month ago: they were all directed to report themselves at a police office, and I think in 56 cases we had communications from the governors of prisons stating that the person, to be released on a certain day, was directed to report himself at a police office, and I think of those 26 came and 30 did not; then, in order to meet that failure, and to ensure their being seen, a subsequent arrangement was made in communication with Sir Joshua Jebb, and by Sir George Grey's direction, that all should be sent to Millbank that were to be released within the metropolitan district, so that there they should be seen and registered before their release. They are all sent now to Millbank, and that has been in operation about a fortnight. I send a certain number of skilled men for such purposes, who look at them, and a register is kept of them according to a form which I have here, with their age and description, and where they come from.

1622. With reference to the question of supervision by the police in the metropolis, have you considered that very carefully?—Yes, especially within the last four or five months; until then no steps had been taken for the purpose and no arrangement made.

1623. Neither with respect to the old transportation convicts, nor the modern penal servitude convicts, they have never in any respect been placed under your control?—In no degree whatever.

1624. While the punishment of transportation still continued, you are probably aware that many were pardoned after a little more than half of their sentences had expired; were any of those ever placed under your supervision?—Not in any way; but there was this difference as to the observation of the police being incidentally kept upon them, that with regard to those who were released on ticket of leave, the police were directed not to notice them, as they were looked upon as persons who must be considered reformed, and therefore the police were not to notice them, lest it might make them known, and interfere with their getting employment.

1625. That was the hypothesis, that they were persons who had received a remission for such good conduct, that you might presume in them a certain degree of reformation?—That was the opinion and ground upon which the police were directed to act; therefore, with regard to the enforcement of the provisions of the Public Houses Act, the police were directed, while they noticed the old convicts, not to notice or point out the ticket-of-leave or licence holders.

1626. (*Mr. Walpole.*) What do you mean by noticing or pointing out?—There is a provision under the Act I have referred to, making it penal to harbour known thieves and prostitutes, and the police constantly visit the houses these persons are known to fre-

quent, and they point them out, but the ticket-of-leave men they do not point out.

1627. (*The O'Conor Don.*) Is that practice still persevered in?—Yes.

1628. (*Sir J. Pakington.*) Who points them out?—The police officers; there is a certain number in each division having a special knowledge of such persons, and they are directed to visit the public houses; they are usually accompanied by a superior officer, and he tells the publican or the refreshment house keeper, "You are committing an offence;" he says, "I do not know these persons;" the policeman points out, "That person is a thief," and so on, but the ticket-of-leave men they do not point out.

1629. (*Mr. Waddington.*) That is for harbouring known thieves?—Yes.

1630. The object is that the publican may have no defence before the magistrate, and the police therefore inform him?—Yes, as he says, "I do not know them."

1631. With regard to supervision, will you have the goodness to state to the Commission what is the nature of the arrangements that you would consider necessary if you undertook that duty?—I think that they should be nearly similar to those that are acted upon in the case of the Irish county police or constabulary. When Sir George Grey spoke to me about it last autumn, I said that I should wish to know what was done in Ireland, and I wrote to the Inspector-General, and also to the Commissioners of Police in Dublin, and the answer I received from Dublin was that the police had nothing whatever to do with them. They had no information—perhaps less than even then I had, which was not very much; but in the country parts of Ireland the Inspector-General's regulations are, that these men should report themselves on their arrival at the nearest police station to the place where they are intending to live; they have likewise to report themselves at the beginning of each subsequent month, and at any time the police may inquire as to how a man is obtaining his living, for they require him to state to them how he is earning his living. The conditions of the ticket of leave in Ireland are more stringent than they are in this country, I think, especially considering the power that seems to be exercised there. I do not know what the law is as to immediately apprehending them if they are violating the conditions of the licence.

1632. In England it would not be legal?—I believe not.

1633. Power is given by the Act of Parliament to apprehend only after the revocation of the licence?—I am aware of that; but in order to make the supervision effectual, there ought to be a power given to apprehend as, for example, is done in the case of a suspicious character.

1634. Do you conceive that although it may be sufficient that in the rural districts of Ireland there should be this power, it would be sufficient in London?—No.

1635. Do you not think that you would require further powers?—I think that there ought to be the power of requiring them distinctly to explain, whenever required, how they are obtaining their living, and also it is most desirable that there should be a mode of doing this consistent with our administration of the law, with a view to enforcing the conditions of the licence; that it should be made a matter of charge before a magistrate of a criminal nature, upon which he should make an inquiry.

1636. Suppose that these stringent regulations were adopted, and that these men were directed to give an account of how they were

Sir R. Mayne, K.C.B.

17 Feb. 1863.

obtaining their living whenever called upon to do so by the police, do you not consider that there should be some tribunal appointed who should be the judge whether they gave a satisfactory account or not? Would you leave that to the police, or would you give the jurisdiction to a magistrate?—It was proposed that an inquiry should be made in cases where the police reported that the conditions of the licence were infringed, that inquiries should be made before me or one of the Assistant Commissioners, and if we were satisfied that the report was correct, then a report should be made to the Secretary of State, and the licence revoked; but there were obvious objections, as it struck me, to that course being taken; first of all, that it would be an exercise, by me or the Assistant Commissioner, of a sort of judicial authority which was not according to our practice; and, likewise, that it could not be so impartial a tribunal, we might naturally be supposed to be prejudiced; and, likewise, if it was merely an inquiry and then a report to be made, the man to whom it referred would probably disappear before there was any decision made by the Secretary of State.

1637. Do you conceive that, if this superintendence was finally resolved upon, that it should be regulated by law?—Yes; I think that the violation of the conditions of the licence should be made a specific offence, for which the party on suspicion should be liable to apprehension as for any other offence, and be charged before a magistrate.

1638. Would it be also an improvement if it were enacted that a conviction of the offence of infringing the police regulations, and also for other offences to be named in the Act, should operate at once as a revocation of the licence?—I think so. When I mentioned reference to the Secretary of State, that was rather in conformity with the present practice. I think that it might be most satisfactorily carried out by a magistrate's decision, that is, his decision that the charge had been proved, and that the charge of violating any condition of the licence being proved should be in itself a revocation of the licence.

1639. Would there be any difficulty in putting in an Act of Parliament, or in a schedule to it, the nature of the regulations under which the supervision of the police should be carried out?—No. I think that the heads might be given, subject to general regulations, afterwards with the approbation of the Secretary of State, as all police Acts are now drawn.

1640. I believe in the colonies one of the conditions is that the men shall not be out beyond a certain hour at night?—Yes.

1641. Do you think that any regulation of that sort would be of value in London?—I think that is most important. It seems to me to be the natural consequence of the restricted liberty which is given to a man, while under a letter of licence, that he should be required to abstain from being out after a certain hour of the night, and from frequenting public-houses and such places after certain hours.

1642. Do you not think that if conditions of that nature were imposed it should be done by law, and not by the mere will of the executive?—Yes, I think that the less the executive interferes the better.

1643. Regulated in that way, you are of opinion that you would be able to exercise very considerable control and check over these persons?—No doubt of it, if they were made known in the first instance, and powers given to the police, of the nature I have stated, to apprehend were properly defined.

1644. Do you consider that such powers would be of very great use, if the present short sentences are continued?—Very little. Take, for example, a sentence of three years; six months only are remitted, and

the benefit of any supervision during that time would be very unimportant, I think. It would require, of course, a great deal of observation on the part of the police, and the benefit of any supervision during that time, I think, would not be material.

1645. The whole of the punishment for breaking the regulations would consist of being returned to pass the remainder of the sentence at Portland ?—Yes.

1646. Do you think that a very short imprisonment at Portland would have a very deterring effect ?—No, I think that there would be much machinery put into motion for a little purpose. I have with me a return of the number of cases reported to the Secretary of State during the last year with regard to men on ticket of leave, and I believe that in most of them the period of remission had terminated before an inquiry could be made, and a revocation took place only in a very few cases. I think the sentence had actually run out. I find that in most of the cases the men were afterwards convicted, and they suffered then very severe sentences.

App. No. 5. L.

1647. I am afraid in those cases the effect of a revocation would merely be to put off the evil day for a few months, and that they must shortly come out, if the law remains as it is, without supervision at all ?—Yes, if one is right in saying that many cannot live honestly, and that some who might do so will not, for I believe it to be the case that some of them prefer that kind of life ; it is a life of lottery, like gambling and speculation. It seems to have a very great attraction for many.

1648. Has it ever occurred to you whether it is desirable, if a law is passed as to supervision, to extend it to persons whose sentences have expired?—I think there might be a sentence of imprisonment and restricted liberty, subject to supervision by the police. Supposing imprisonment and restricted liberty for 10 years to be intended, the sentence passed should be for 10 years imprisonment, five years to be remissible on good conduct in prison, but to be spent under supervision. I mention that as the sort of period during which supervision would be really valuable.

1649. You mean a certain number of years in prison, to be absolutely passed there, and then, if the conduct of the man was good, he should be discharged under strict supervision for a certain number of years ?—Yes, with such a period of remission as would make it important to exercise control and supervision over him.

1650. But you mean a certain number of years to be passed in prison, whatever the conduct of the man was ?—Yes; that appears to me to be of great importance with reference to the deterring effect to be produced on the public mind; at the present time there is general confusion.

1651. (*Mr. Russell Gurney.*) Would you give any power to remit any portion of that time ?—No.

1652. (*Chairman.*) Would not that have this disadvantage, as compared with the old system under which a man was sentenced for seven years, of which he could have three years or three years and a half remitted by good conduct, that all motive to good conduct in prison would be entirely destroyed ?—Not quite so, because even at the end of five years he is not to be released unless his conduct had been good in prison.

1653. Then that seems to be a different mode of passing the old sentence, which was seven years, subject to the expectation of having a portion of it remitted for good conduct. Your suggestion is a sentence of five years, subject to the power of having it increased for bad

Sir R. Mayne, K.C.B.

17 Feb. 1863.

conduct?—Yes; but it is so far different, that the sentences would be such as were made known to the public; whereas now, as I have already said, there is, I think, and always will be, a doubt, a vague feeling or expectation that a great part of the punishment will be remitted.

1654. You are no doubt aware that before 1853, in fact ever since 1782, when transportation was generally adopted, the sentence to seven years never really meant coercion for more than four years?—Yes.

1655. And that, until the short sentences were brought in by the Act of 1853, no inconvenience arose from that fact?—I should restrict it in the way I propose, I mean those prisoners who are to remain in this country; but one who is to be transported may be differently dealt with.

1656. You are aware that before the year 1840, when the House of Commons presented an address to the Crown, praying that seven years men might be sent out of the country, it had been the practice for several years to send seven years men to the hulks, and to discharge them after four years if they behaved well?—Yes; but I think that the evil was not felt so much, because so many were sent away out of the country who never returned.

1657. (*Sir J. Pakington.*) You have illustrated your view upon this point by mentioning the case of a 10 years man, how would you propose to divide the sentence of 10 years penal servitude?—Supposing it was the desire of a judge that a man should be sentenced to 10 years, including his period of imprisonment and supervision, then I should say five years, without meaning to express any distinct opinion as to whether it should be five, six, or seven, but that the sentence should be pronounced by the judge, and that it should be made public from the mouth of the judge that there should be a certain period of imprisonment, and a certain portion of that qualified liberty.

1658. (*Mr. Waddington.*) You think that it would have a far better effect upon the public mind and upon the prisoners, if the time to be passed in prison was absolutely defined by the judge?—Yes, I think it would have a very important effect in deterring men from the commission of crime.

1659. Independently of the uncertainty as to the remission of a portion of the sentence which will be remitted, is there also, in your opinion, great uncertainty arising from the variety of sentences which are passed by different judges for the same offence?—I believe it is not too strong a word to use to say that the administration of the law, with regard to the widely varying degrees of punishment at the present day, is a scandal. Some of the judges, I think, pass sentences of 18 months for an offence that another judge would pass a sentence of five years or more of penal servitude.

1660. The law gives them almost unlimited discretion whether they will pass a very long sentence of penal servitude, or a very short sentence of imprisonment?—Yes.

1661. (*Sir J. Pakington.*) You are of opinion that that latitude is unwisely large?—Yes.

1662. (*Mr. Waddington.*) Does it not make it perfectly uncertain, and a species of lottery?—Yes, the police consider it so; they often report to me, with regard to a case, so and so will be tried before such a judge, and he will get a very light punishment.

1663. Can you suggest any mode by which that can be remedied except by an alteration in the law?—To take as an example two classes of cases, burglary and robbery, I think that a more accurate definition of those crimes is necessary, so as to make one class of them where there was actual violence, and where there was, in the case of burglary, actual breaking into a house with crowbars and centrebits, and that then

there should be a specific punishment affixed, and the shortest limit affixed for each of those offences. *Sir R. Mayne, K.C.B.*

1664. You think that the discretion of the judges should be limited by law, and that instead of giving them a large discretion there should be a sentence passed of not less than a certain number of years, without the alternative of imprisonment?—Yes, I think so. In cases of imprisonment the minimum should be laid down by law. I am sure that the widely varying sentences have a very bad effect at the present time. 17 Feb. 1863.

1665. Are you aware that in other cases besides those which have been mentioned, for instance, in cases of rape and manslaughter, and cases of fraud and many others, there is a very great difference in the way in which they are treated by different judges?—Certainly; and I think that a very mischievous effect is produced.

1666. (*Mr. Russell Gurney.*) Every man hopes to have the least amount of punishment?—Yes; every man hopes for a favourable judge. I have a return of the number of convicts whose sentences had expired, and who were apprehended by the police in 1862 and re-convicted; their sentences of penal servitude had expired; they are called returned convicts (*handing in the same*). App. No. 5. M.

1667. With reference to the deterring effect of the present system, what do you say as to the treatment of convicts in the convict prisons, if you have formed any judgment upon that subject. Might it be made severe with advantage?—I think so. The whole system, I think, however humanely devised and intended, seems to me to be very inconsistent with the criminal condition of the parties; for instance, the permission to communicate by letter with their friends. I have had several letters sent to me by the governor of Dartmoor prison, requesting that inquiries should be made as to the characters of the parties who were corresponding with the convicts, and in almost every case they have turned out to be very bad, of the worst sort, many of them keeping houses for the reception of thieves, and keeping up in the convict a knowledge of what was going on. I think that very much diminishes the effects of the punishments.

1668. But they would not be allowed to correspond on a subject of that sort, as their letters would not be allowed to be sent?—Yes; but the inquiry has been as to whom they are corresponding with, and it is very easy to communicate in such a way as to give information without its being apparent.

1669. (*Mr. Russell Gurney.*) In the cases where they are very bad characters with whom they are corresponding, are they members of their own family?—Sometimes they are not; but that sort of correspondence, I think, is calculated to keep up the spirits of the men, and make them feel that they are in communication with friends, I think that is mischievous, and with persons whose acquaintance they immediately renew on their release.

1670. (*Mr. Waddington.*) Do you conceive that it would be desirable to prohibit correspondence altogether between the prisoners and their friends, or rather that some means should be adopted to prevent them from corresponding with persons of bad character?—I think it would be certainly of very great importance that there should be no permission to correspond at all.

1671. I suppose it was with that object that the applications to which you have referred were made to you?—Yes; it was only very recently, in fact during the last six months, that I have had many of those; until then I do not think I ever had any.

1672. Would you prefer to stop the correspondence altogether?—

Sir R. Mayne, K.C.B.

17 Feb. 1863.

Yes; I think that the condition of a convict felon is such that he should be excluded from all knowledge of what is going on elsewhere during the short sentences; it might form part of the remission if the sentences were longer. I may also state that the places of confinement appear to me to be very comfortable.

1673. Have you lately been to Chatham or to Portland?—Not to Portland. I have been to Chatham and to Portsmouth; I went over both of those lately, and at Chatham especially it struck me, there the walls or the partitions were of corrugated glass, which produces rather a cheerful effect inside. I went inside and found that it was very light and agreeable, the temperature was pleasant, and the men had books and were carrying on some trade. Another thing appeared to me to be inconsistent with their state and condition as felons; their dietary is put up in their cell, and each man is told, for there it is printed, that he is entitled to have his food weighed and measured. One of the warders told me that they sometimes required it to be done in order to spite them; he said, "We have had a great "many who insisted upon having their food weighed and measured." Now these things seem to me to interfere with the condition of the criminal and likewise the mode of employment at Portsmouth. I think that employing men in the dockyard generally is very bad, on account of the immediate personal communication that there is, and the comparison that arises between them and the free labourers, which is really very often to the disadvantage of the free man, with respect to his food, the state of his clothing, and his condition in every respect, except that of being at liberty; likewise their employment in such a place as Southsea Common, where they have been employed for upwards of a year; it is a very agreeable place, one of the most cheerful places, I think, in England.

1674. What have they been doing there?—They have been levelling and laying the turf.

1675. Making part of it into a public walk?—Yes; and it is now very much improved by them; they have been working there for upwards of a year. A place where the troops parade, and bands playing, and ladies and children walking about; in short it is one of the pleasantest places in England, and it does not seem to me to be the place upon which to employ convict felons.

1676. That does not meet your ideas of strict penal discipline?—I think it is no punishment.

1677. I believe that at the present time the police are on duty in the dockyards?—Yes; they have been so for two or three years.

1678. Are they so watched that you can ascertain whether there is any communication carried on between the convicts and the free labourers?—I believe there is often, because there have been things found which have been left in places which were a little secluded; and no doubt it was intended — in fact, some have been convicted for it—that the free labourers should take the things away, and get them out of the yard if they could; but the police now make such a search that that is not easy to be done. When I was at Chatham the other day, in the re-painting those gunboats laid up, which were built during the war, there were three or four pieces of copper, worth many shillings, found in a very out-of-the-way place in one of those boats, and, after the best examination and inquiries that could be made, there seemed to be no doubt that some two years before that, when the boats were dismantled, the copper had been stolen by convicts who had been employed in carrying it to the store, and had been left where it was found for the purpose of

being taken away, but no opportunity had occurred for getting it away.

1679. You are of opinion that when so employed in the dockyards, or on Southsea Common, it is very difficult to prevent them from having communication ?—It is certainly so. The warders are few ; the men are working about, and some of them are working in carpenters' shops by themselves, and it is impossible to prevent communication.

1680. Do you think that you could without difficulty obtain from M. Boitelle the entire details of the mode in which convicts whose sentences have expired, or who have been discharged from convict prisons, are treated in Paris and in France generally ?—I think I can.

1681. You are aware probably that the law of France is, that the supervision of the police is attached to certain sentences of hard labour, to some sentences for life, and to some for a long number of years ?—Yes, and it is something of that nature that I have proposed with regard to the sentences in this country.

1682. Grave offences in France, I believe, involve the supervision of the police for life ?—Yes, and I know that they may assign them places of residence.

1683. Do you conceive, whether supervision is adopted or not, that a return to transportation would be a very great relief to you ?—Very great indeed. I think both with a view to relieving ourselves from those who must continue a criminal class in this country, and also for the sake of the individuals themselves, who would be removed from vicious companions and the haunts of crime in this country, might become reformed, and obtain honest employment elsewhere, which is, I think, in many cases quite impossible in this country ; in truth, if convicts were to be largely employed in this country, and to be known as such, I think it would operate most detrimentally in its moral effects upon the classes with whom they are associated.

1684. If it were possible to obtain employment for discharged convicts as easily as it is for honest men it would be undesirable ?—I think it would be very undesirable. I have felt regret in some cases where I have had the power of giving the employment, as I felt bound in the execution of my duty to refuse them employment ; for instance, the class of cab drivers, they are all licensed by me, and some cases have occurred in which men who have been released from prison have applied for a driver's licence, and I have thought it right to refuse a man, upon the ground that his occupation as a cab driver gave him facilities for aiding and assisting in the commission of crime, and that it would therefore be very improper for me to put him in such a position.

1685. Are you aware that in such a population as that of London there is very great difficulty in obtaining employment even for honest people ?—Yes, there is very great difficulty ; and with regard to any extraordinary exertions that are used for people, however humane and laudable they may be, the effect undoubtedly is to discourage the independent labourer.

1686. Whatever may be the effect of supervision in preventing crime, would it not have the effect of pointing out to the world that the parties who were placed under that supervision were suspicious characters, and persons not to be trusted ?—It would make it known that they had been convicted, and the natural consequence would be, I think, that they would not be trusted. The present system of allowing them not to be known, or rather, assisting them in concealing what they have been, is, I think, quite incompatible with police supervision. The more I have considered the effect of police super-

Sir R. Mayne, K.C.B.

17 Feb. 1863.

vision, the more I have been led to think that I should not feel I could undertake the responsibility of answering for what a man was doing without being at the same time almost compelled to let his condition become known to his employer and to the public.

1687. Your supervision, to be effectual, must be carried out upon the principle that he is a person not to be trusted, and not to be allowed to be left to himself?—I believe so. I should mention that the Inspector General of the Constabulary in Ireland says that he does not find it has any effect one way or the other, but there are many widely different circumstances in Ireland and in this country.

1688. Supervision in England, in the degree that it would be necessary in rural districts for a few convicts, would be of a totally different nature to that which would be necessary for a large accumulation of them in London?—Yes, of course. In London it would be more difficult, but it would be more important.

1689. It would be more desirable in London, but more difficult?—Yes; I think it is incompatible with the concealment which is now permitted.

1690. Have you had any communication with the Prisoners' Aid Society upon this subject?—A little.

1691. Do you know that they are particularly anxious that the police should not appear in the matter at all?—Yes; I was told in many cases that it would prevent them from carrying out their benevolent objects.

1692. They have requested that the police would take no part in their proceedings?—They have. I allude to one gentleman with whom I have communicated, Mr. Whitbread, and he said that he thought it would be better if the police did not interfere.

1693. That is upon the principle that a man cannot be trusted and suspected at the same time; he must be either pointed out as a suspicious character or take the ordinary course?—Yes. He said that the two ways in which they were able to interfere most usefully was, first, in getting these men abroad; and, secondly, if they do not go out as emigrants, in obtaining employment for them in this country, principally, he said, with contractors. He said that he could not get them into regular private employment, but that when a contractor had a large contract to execute he employed these men; but that if the police gave information to him he would say, "I cannot have "anything to do with you, the other workmen will object to work "with you."

1694. In that view of the case do you suppose that if there was strict supervision by the police there are many of those men who could not obtain employment?—Yes, and I believe the number would be increased; there are a great number now who cannot find employment.

1695. That being so, do you think that transportation would be particularly desirable?—Transportation, above all, for the reformation of the offenders and for benevolent objects seems to me to be most important.

1696. In your view of transportation, do you mean that it should be resorted to as a mode of disposing of them after they have gone through the penal part of the sentence?—Yes, that is what I mean; I would make the separation more or less complete, isolation or separation, more hard labour in prison and public works, and transportation.

1697. I believe that was the principle upon which Sir Joshua Jebb established the prisons at Portland?—I believe it was, and if that had been carried out I think it would have been very valuable.

1698. According to your system would you desire that it should be

part of the sentence actually passed on a prisoner ?—Yes ; whatever is done I think it ought to be part of the sentence from the mouth of the judge.

1699. Therefore it would be necessary to extend the period very much ?—Yes.

1700. Do you think it would be desirable to re-establish a system of that sort unless the means were previously obtained of carrying it out to its full extent ?—Certainly it would be inoperative if there were no means provided ; but I think it might be for transportation, if a place for transportation or deportation out of England could be found, and if not, then for imprisonment, which should be for a longer period than at present.

1701. You would then retain, would you not, the uncertainty of which you now complain ?—No, it should be still the judge's sentence.

1702. But the judge would have to sentence to transportation, if practicable, and if not, pronounce some other sentence ?—Yes, of the same sort, or fine and imprisonment.

1703. But any sentence of transportation must be subject to its being practicable to carry it out ?—Yes.

1704. Is there anything further that you wish to state to the Commission upon these points ?—I entertain very strong hopes that the Colonial Secretary and the Home Secretary might discover places for transportation, and that they should be either the place of imprisonment or the place of liberation and reformation.

1705. I suppose if it were a place from which they were to be brought back to this country, such as Gibraltar or Bermuda, it would very much diminish its value ?—I do not consider it of any value as transportation ; the only effect of it is that they are not working among our free labourers, which I think is a very great evil.

1706. Do you conceive that the mode in which the Criminal Justice Act has been dealt with in some cases has had rather a bad effect ?—I think it has.

1707. In increasing the uncertainty of the sentence ?—I have known many cases in which persons who have in truth been guilty of highway robbery have been sentenced under the Criminal Justice Act ; they have begged it as a favour, and the sentence has been a summary one, and a very light one.

1708. The utmost sentence that can be given under that Act is six months' hard labour ?—Yes.

1709. Have you known cases in which persons who have been so dealt with have actually thanked the magistrate, and have gone off with an air of triumph ?—Yes ; they begged at first that they might be so dealt with, and said, "We will plead guilty if you will deal "with us under the Criminal Justice Act." The magistrate stated, "I will not make any condition ;" and then they said, "We will "plead guilty."

1710. Would there be any difficulty in limiting this discretion of the magistrate by a change in the Criminal Justice Act, taking away the offence of stealing from the person, as it is that provision which gives them this power of dealing with cases of highway robbery ?—That is the case in which I think the power has been most abused, but cases have occurred in which it seems to me desirable that a change should not be made ; for example, I may instance the case of a sailor going away; you must either compel him to remain, to his very great detriment, or there will be no evidence. Such cases as these often occur in the seafaring part of the city, and in those cases, I think, the magistrates have usefully, if not very legitimately, exercised a discretion.

Sir R. Mayne, K.C.B.

17 Feb. 1863.

1711. (*Chairman.*) There have been cases of stabbing and such like assaults?—Yes, and there have also been many cases of robbery in Wapping, and all down the river side, where the sailors are numerous, and in those cases I think the discretion has been exercised usefully when the prosecutor or witness says that he cannot stay.

1712. (*Sir J. Pakington.*) That has been done to prevent a failure of justice altogether by the absence of a witness?—Yes.

1713. (*Lord Cranworth.*) You are referring to cases of robberies on the river side?—Yes, and they are a very large class of cases.

1714. Are those robberies included in the numbers you have given in?—No, they are not.

1715. (*Mr. Waddington.*) Have you formed any opinion as to the possibility of introducing into England a system of marking convicts?—It seems to me to be the natural way of identifying them, and I think it might be very simply done, and it certainly would be effectual, restricting it to certain cases of serious crimes, for the first conviction, and to be the general practice in cases of second conviction. I do not see that anyone would have a right justly to complain of it.

1716. That practice has now been abandoned in France, has it not?—I am not aware of it. There is very great difficulty now in ascertaining whether a man has been before convicted, and such a mark would make that at once apparent.

1717. (*Chairman.*) Very many persons who have been previously convicted pass through the court without that fact having been ascertained?—Many. I believe, even within the police district, many escape, and that must be to a far greater extent in the country.

1718. (*Sir J. Pakington.*) If this supervision by the police were established, with the great facility of rapid communication which exists in this country, it might be expected that those men would endeavour to move from place to place in order to elude the vigilance of the police?—Yes. Any supervision ought to be general, and then there is a difficulty that I feel, looking at the constitution of the police in many places, in carrying it out. I do not mean that it would be purposely abused, but it would be very likely to be so.

1719. You think that it should be regulated by law if it were extended to the whole country?—Yes. It would be very different if the cases, for example, were in my hands, under the control of the Secretary of State, from what might be done in the country parts, where a great deal might be done by the police that would not become known.

1720. (*Lord Naas.*) The supervision by the police in the country parts would be more easily carried out?—Yes, and it would be therefore more likely to be abused.

1721. (*Mr. Waddington.*) Have you formed any opinion with regard to whipping for offences of a violent nature?—I have always thought, especially since the Act that was carried through Parliament by Sir Robert Peel relating to offences against the person of the Queen, that whipping ought to be resorted to. I think it is very effectual in some cases.

1722. Are you aware that there has been a misconception as to the effect of that Act? It has been stated that it put a stop to all offences against the Queen; but are you aware that there have been two persons convicted under that Act?—Yes.

1723. I believe the sentence in the Act is seven years' transportation, or imprisonment with whipping?—Yes.

1724. You would not give transportation and whipping?—I think not.

1725. Transportation was the sentence in both cases ?—Yes.

1726. If the punishment of whipping was introduced, and if applied to sentences of highway robbery and burglary, would there be any reason for not applying it also to such offences as rape and manslaughter ?—There are several offences, I think, that it ought to be applied to ; but I have taken the cases I have mentioned as the most conspicuous cases of daring violence and personal outrage.

1727. (*Mr. Russell Gurney.*) And cases involving cruelty ?—Yes.

1728. (*Mr. Waddington.*) In your opinion that addition to the law would have a deterring effect upon hardened offenders ?—I believe so. I believe that they would feel it to be very degrading. Still, looking upon them as a class some of whom are incorrigible, I believe that it would have a very good effect in deterring others especially.

1729. In short, your opinion generally is, that the present treatment of these criminals is far too lenient, and that a great increase of severity is desirable ?—I think so. I think that the punishment, both as to the period and as to the treatment they receive while undergoing it, is not such as either to deter an individual from again committing crime, or to have a general deterring effect upon the whole of the community.

1730. (*Lord Naas.*) You think that the old sentence of transportation had a more deterring effect ?—I believe it had, until of late years; there was a great difference, especially when the old colonies were not so attractive ; still I believe all of us know that in many cases it was felt to be a greatly dreaded punishment.

1731. (*Lord Cranworth.*) After you had added to the punishment separation and hard labour, you would hit by those two punishments classes to whom transportation itself would have no terror ?—Yes.

1732. You think that instead of passing any extra term under the surveillance of the police, it would be better that they should pass the same time abroad ?—Yes ; if you follow out correctly the practical results of supervision, it can only be to send a man back to prison again, if one is right in believing that many of them cannot get honest employment ; and if you send them back to prison they will be only where they were before, and there is the same difficulty in dealing with them.

1733. (*Mr. Bouverie.*) I understand you to say that, if the surveillance of the police was enforced, none of these people would be likely to get employment at all ?—I certainly believe that it would diminish their chances very much. I do not say that none of them would get employment again, but as the whole amount of labour is insufficient for the honest classes, although it seems hard upon individuals wishing to reform, they cannot obtain employment.

1734. If they remain in this country they must have recourse to crime again ?—I own that is the sad conclusion I have always come to. I know that many of them have said to the police, "What are we to do ?" and my hope is, that that may be in a great measure solved by getting them into other countries. The colonies object to receive what they call our filth, but it is no filth when it gets there, it may be most useful and valuable labour there.

1735. (*Mr. Russell Gurney.*) You think that simple transportation would not be a desirable punishment ?—Certainly not. It should always be accompanied by those two ingredients, one or other of which would hit all classes, separation and actual hard labour ; but then it should be hard labour, and that is difficult to devise.

1736. (*Lord Naas.*) You would still leave it to the prison authorities to decide as to the persons who should be subjected to trans-

Sir R. Mayne, K.C.B.

17 Feb. 1863.

portation ?—No ; that should be a part of the sentence, it might be in the alternative. I am not aware of any principle against it, and the sentence of the judge might be for so long imprisonment with hard labour, or so long transportation.

1737. That is only in case you found it possible to extend it to all ? —Yes, if there is transportation, and if places for transportation could be found.

1738. (*Mr. Walpole.*) When you recommend transportation do you mean that you would recommend transportation to a penal settlement, strictly so called, or to a colony where there were free settlers ?—The latter, obviously, is the most desirable.

1739. Would there be any good in sending them to a merely penal settlement ?—I think it would have a deterring effect upon others.

1740. With a view to reformation would you have any ground for recommending it ?—That I am not able to say. I should fear that. I should prefer to see a colony such as the Falkland Islands for punishment ; it may be more repulsive and deterring in its character, and would not give them such opportunities of becoming great capitalists. A great many ought not to be sent to the same place.

1741. (*Mr. Russell Gurney.*) Would it not be better to have anything of that sort much nearer home ?—The difficulty I feel is about the deterring effects, and the intercession that might be made for them if they were near home.

1742. (*Chairman.*) Are you aware that if a strictly penal establishment is placed at a distance from home, an almost insurmountable difficulty arises in getting proper officers ?—That I am aware is a very difficult matter.

1743. Even in Western Australia, in the correspondence that was laid before Parliament, it is the continual complaint of the governor and the comptroller of convicts that it is almost impossible to find proper officers to take care of them, and that although the officers that have been sent out from England have behaved very well here, they frequently turn out very inefficient in the colony ?—No doubt it must be felt in a very great degree, and it is felt, I believe, largely at home, the difficulty of finding proper governors of gaols or warders.

1744. Among the subordinate officers at home it is not felt to the same extent, for if one man fails he is dismissed, and another is found to take his place ; but if it happens some thousands of miles away there may be no other person found to take the place ?—A man must have proportionate inducements, pay, and perhaps, after some time, promotion at home.

1745. Is it not found practically that the employment of men in that situation, where they are entirely excluded from society, has a very deteriorating effect upon them, and therefore upon the whole system ? —I have not the means of personally knowing that, but I think that it obviously must be so.

1746. (*Mr. Russell Gurney.*) In speaking of the desirableness of putting a stop to communications by letter between the convicts and their friends, do you not think that it would take away one of the best chances of the reformation of the prisoner to cut him off from it ?—No doubt there is that consideration to be taken into account, but I should look upon it in this way, that it ought to be actual punishment while in prison.

1747. Is it not, perhaps, one of the last virtues left in the heart of a convict, family affection ?—Yes ; I think that it might be regulated within certain limits. I quite feel the importance of encouraging every right sentiment.

1748. (*Lord Naas.*) I presume that the prison authorities do not allow the convicts to correspond now with notoriously bad characters?—No, I believe that they intercept the letters. I do not know exactly, but judging from the number of communications I have received and letters within the last six months, for that was about the time when it principally began; and upon inquiry I find almost invariably that the parties with whom they are corresponding are of the worst class.

1749. (*Mr. Russell Gurney.*) Where that is suspected, I presume information would be conveyed to you?—It has been so lately.

1750. It is not that their letters are sent to you, but when the authorities suspect that something is wrong they communicate with you?—Yes, and I think that that might be regulated by a certain discretion, so as to allow of well-authenticated cases of relations being transmitted through the police, first ascertaining that the parties were such as they were described. I feel the importance of retaining a hope.

1751. Are you aware whether there was any increase of crime in the year 1851, in consequence of the great gathering of people on that occasion?—There was not, and it was very remarkable. I stated that fact in the general report that I made at the time to the Secretary of State, which was sent to the Exhibition Commissioners. I have just now reported, with regard to the late Exhibition, that there does not appear to have been any increase of crime that can be said to have been in any manner connected with the Exhibition, or in consequence of the crowds of persons then assembled.

1752. You do not think that it attracted criminals to London?—I think not. At the time of the former Exhibition, with the permission of the Secretary of State I arranged to have police from many of the large towns on the continent, from Prussia, France, Austria, and Russia, and likewise from all our provincial towns. I thought it necessary upon that occasion, although it was a very considerable expense, but I did not find that any such results followed as might have been expected.

1753. (*Mr. Bouverie.*) I see by your returns that there was an additional number of persons taken into custody in the year 1851 over 1850; the number rose from 70,800 in 1850 to 72,300 in 1851?—But that was not in any way connected with the Exhibition.

1754. The sentences to transportation rose from 3,100 in 1850 to 3,300 in 1851; can you account for that in any way?—I have long been puzzled to account for the diminution or increase of crimes. Even as to the present system it is the general opinion, and I think must be so with all police officers immediately in communication with those people, and they tell me as the result of what they have heard—that these men have lost the terror of punishment.

1755. Was there any public alarm or panic felt in 1851?—Very great, for at that time we were also in a remarkable state of political excitement; in fact, almost every country in Europe was in a state of political excitement at that time, France especially, and we had also a very large number of political refugees in this country.

1756. Was there not an opinion at that time that the discovery of the diggings in Australia led to the commission of offences with a view to being transported?—I have no reason to believe that; I never knew of such a case.

1757. Was not that the common opinion entertained by the public?—Yes, but I never could find any good ground for it.

1758. In 1854 I perceive by your return that there was a very great increase in the number taken into custody, namely, 75,600 as compared with 72,300 in 1853; and in 1855 there appears to have been

Sir R. Mayne, K.C.B.

17 Feb. 1863.

an equally rapid diminution ?—Yes, those are jumps that I really never could account for. In 1857 there was a remarkable increase, and that might be said to arise from the Act of 1853 ; that was the highest year that there has been in the whole period.

1759. That was followed for several years by a constant decrease down to 1860, which was the minimum?—Yes.

1760. In 1854 was there not a considerable panic entertained on the part of the public with regard to the nature of the punishments which were inflicted, and the effect upon those who were punished ?—Yes ; at that time they were worse than they are now, as the penal servitude was then so very short. I think it was four years penal servitude for seven of transportation, and so on in proportion. I cannot doubt, looking to the reasonable effect upon criminals, who are like other men, that that would have the effect of reducing the deterring effect of the punishments, which is one of the great objects of punishment.

1761. It appears from a return before me that the number of offences noticed by the police, or of persons taken into custody, in 1862, was upwards of 10,000 less than in 1857 ?—Yes, those are changes that I am unable to give any explanation of.

1762. (*Mr. Walpole.*) I understood you to say, in the early part of your examination, that you thought the shorter periods had tended to increase those two particular crimes of which the increase had been the greatest in your district, namely, burglaries and offences against the person ?—Yes.

1763. If that be so, it would not have had any effect upon the increase of crime generally in the district, because you state that that has not been in the same proportion ?—Yes; but I think, looking at the class who are subject to penal servitude, that they are such as would be more likely to commit the two crimes of violence; there are a number of persons, for instance, those who pick pockets or snatch things from shop windows, they appear to be a certain average always ; there seem to be a certain number always disposed to do so; they are hardly a class; but the burglar and the highway robber is a more professional character, he returns, I think, if he is released, more speedily to the commission of the same crime. I do not know whether it bears upon the subject of this Commission, but I think that the repetition of very small short punishments is greatly increasing and is a very great evil. I think that it might be reasonably made an indictable offence and punishable after a certain number of times, when there was a repetition of small offences for which the punishments are now summary convictions. Take that remarkable case to which I have referred many times, in which the men were convicted who attacked Mr. Pilkington; one of the parties had been convicted nine times, and at last he received a sentence of penal servitude; he had just been released when he committed that offence; the two men were released at the end of May, and I think that in July the offence was committed. As I have said, one of those two men had been convicted, I think, nine times; both of those parties had been released on tickets of leave at the end of May, I think three months were remitted.

1764. (*Sir J. Pakington.*) Is it within your knowledge whether the fact of those previous convictions was made known to the court in which they were convicted ?—They were most of them summary convictions ; nine times in one case.

1765. But summary convictions are frequently made known to the courts ?—Yes, but still the sentence cannot exceed the prescribed six months.

1766. (*Lord Cranworth.*) What I understand you to suggest is that

it would be a good thing that several summary convictions should be made cumulative ?—Yes, and make them an indictable offence punishable accordingly. I will, to put it more strongly, state the convictions which took place in that particular case of the man named Anderson. He was convicted on October the 26th, 1850, and sentenced to 10 days ; on December the 7th, 1850, to one month ; on January the 5th, 1851, to seven days ; on December the 8th, 1851, to one month; on November the 11th, 1852, to six days ; on July the 26th, 1853, to seven days ; on April the 21st, 1854, to three months ; on January the 22nd, 1855, to one month ; on April the 5th, 1855, to three months.

1767. (*Mr. Walpole.*) What were the offences committed in those cases ?—In some cases it was picking pockets. On April the 21st, 1854, three months for picking pockets ; on January the 22nd, 1855, one month for picking pockets ; on April the 5th, 1855, three months ; on September the 7th, 1855, one month for picking pockets ; on November the 16th, 1855, three months for picking pockets ; on April the 24th, 1856, three months for picking pockets ; on July the 1st, 1857, six months for picking pockets ; on March the 19th, 1859, three months for picking pockets ; on September the 5th, 1859, three years penal servitude. This sentence would not have expired till September 1862 ; he was released at the end of May 1862, three months of his sentence being remitted. On July the 23rd, 1862, he was committed for three months, and in November following he was sentenced to penal servitude for life. All those cases are, I think, a great reproach to the state of the law.

1768. (*Sir J. Pakington.*) You say that those were summary convictions ; but the majority of the cases you have mentioned are indictable offences, are they not ?—Yes, but the magistrates deal with them, especially for picking pockets, very commonly in that way.

1769. (*Mr. Russell Gurney.*) Is it not the constant application of the prosecutor to the magistrate to deal summarily with the case ?—Yes.

1770. (*Sir J. Pakington.*) Does it not appear that the peculiarities of that case, as you have stated them, are in fact the result of the manner in which the magistrates exercise their discretion ?—Yes, in some measure it is so.

1771. (*Mr. Waddington.*) Is not stealing from the person punishable with a very long sentence of penal servitude ?—Yes.

1772. (*Mr. Russell Gurney.*) Is it not the constant practice of the criminal to plead guilty before the magistrate in order to avoid information being obtained of previous convictions ?—No doubt it is so ; in many cases the previous convictions are proved by the prison officers, as in many cases the police do not know of them.

1773. (*Sir J. Pakington.*) I did not quite collect from your answers just now with regard to transportation, whether you contemplated the revival of transportation as a means of aggravating the punishment for serious crimes, or rather as a boon and advantage to well-conducted convicts ?—I think that it would have both those effects ; it would in many cases be looked upon as the most serious punishment, because of the separation from home and from all the enjoyments connected with it ; also in some of these cases perhaps and in others it would give an opportunity of reformation which I think is hardly possible at home.

1774. Would it not depend upon what view was taken of the punishment of transportation to what class of offences that sentence ought to be attached ?—Yes, but still as a punishment it ought not to be inflicted in any case where it might not be justly treated as a punishment ; but if a man's conduct there was such as to entitle him to a

Sir R. Mayne, K.C.B.

17 Feb. 1863.

ticket of leave I would then give him the means of reformation, which would effect that object beyond what I think possible here.

1775. In any case I understand you to say that your experience has led you to the opinion that transportation ought to be, if possible, revived, and that if it were revived it ought to form openly a part of the sentence passed in court?—I think so.

1776. You expressed strongly an opinion that in any case the early period of the sentence of transportation ought to be passed in a state of highly penal imprisonment and confinement?—Yes.

1777. Do you see any reason why that highly penal first period should not be passed in a colony instead of being passed in England?—The reason why I think it had better be passed here is the difficulty of obtaining officers who would inflict a punishment of that kind properly. I think that a punishment which is not inconsistent with our sentiments, and which does not interfere with society here, may be quite as properly enforced at home, and perhaps more effectually, because of the better instruments that we have here.

1778. Have you had any experience of the proceedings in courts of justice which has led you to an opinion as to which sentence has the most deterring effect upon the criminal class and their connexions, transportation or a sentence of penal servitude?—I have not an opportunity of directly knowing much as to the effect of penal servitude, but I had formerly, during the few years that I was at the bar, an opportunity of observing the effect of a sentence of transportation. I am sure that it was felt to be most severe. I have seen a man drop down as if he were shot, and a general murmur or thrill of horror run through the court when a sentence of transportation was pronounced.

1779. Is it your opinion now, with the means of judging that you have, that a sentence of transportation, if it could be legally passed, would have a more deterring and alarming effect than any sentence of penal servitude?—I believe so, accompanied with those conditions that I have mentioned. I think that with many, especially the very young boys and persons who are not married or who are without friends the punishment of transportation would not have a very deterring effect, they would feel that they were going away to a new country; but if they felt that they had to pass a certain period here, one or two years of imprisonment and one or two years of hard labour, I think that that followed by a sentence of transportation would not be agreeable to anybody.

1780. You think that a sentence of transportation would be viewed by the criminal classes as a more alarming sentence if the penal period were passed in this country rather than abroad?—Yes, I think so.

1781. You do not think that there would be in that case a sense of the possibility of communication during a considerable time, or a hope that the transportation might be done away with?—I think that it could only exist at first, and if the sentence were rigorously carried out they would soon be disabused of it if they had any such expectation.

1782. You do not think that the feeling caused by immediate severance from home and kindred would have a deterring effect?—I think upon the whole that it would not, but I do know that in Ireland some years ago it had, I believe, a remarkable effect. There was a sort of horror felt some years ago, before the great emigration time; when the country was in a state of great political excitement and crimes of violence were committed the guilty were sentenced instantaneously and sent away, and I believe that had a very great and beneficial effect.

1783. Do not you think that that effect which you have described to be produced in court, the screams on the part of friends and the thrilling

effect produced through the court, arose from the dread of immediate severance from home and kindred ?—It did so, but I do not think it would be diminished if they felt that it was to be severance from the first moment here insomuch as if it was to be imprisonment with very limited or no means of communication, to be followed by transportation.

1784. You stated in the early part of your evidence that you attributed the late increase of crime to the gradual accumulation under the present law of the criminal class, and what you termed the mischievous reduction of the sentences by granting tickets of leave ; am I to understand from that expression that you disapprove altogether of the remission of any part of a sentence ?—No, I think I coupled my opinion with that : if it was openly stated as part of the sentence and known at the time that it was to be granted, but that the remission was to be subject of course to good behaviour in a prison. I do not think that that would have a mischievous effect, but now a part of the mischief arises from the impression on the public mind, that a much greater portion of the sentence is remitted than is actually remitted, and also the absence of all supervision when they get out of prison.

1785. On a balance of considerations, I understand you to be of opinion that there ought to be a period of restricted liberty ?—Yes.

1786. And also that their liberty should really be restricted ?—Yes ; I think that hitherto it has been of little use, both on account of the shortness of the time and the absence of supervision.

1787. You are aware that under the present system, as now administered, certain conditions are endorsed upon the licences which are, in fact, a dead letter ?—Yes, or nearly so.

1788. Do you approve of that system ?—No ; I think that if conditions are endorsed they ought to be enforced.

1789. I understood you to express the opinion, although you have indicated certain difficulties in the way of police supervision, that upon the whole, if remissions are granted, they ought to be accompanied by supervision under proper regulations ?—It would be idle to state that there should be supervision if you did not take any means to carry it out.

1790. I think you say that under the existing system it is what may be called the reverse of supervision, that not only are persons holding these licences not under the inspection of the police, but the police are actually directed not to interfere with them ?—That is so, except in some cases ; they are distinctly forbidden to interfere with them without my directions. I have given such directions, but in very few cases, when the previous circumstances, and the nature of the crime of which he had been convicted, and the employment he was then in, made me consider it my duty to let the party who was employing him know the previous character ; but that has been very rarely acted upon.

1791. I think you stated that that principle is carried out so far that even in the case of the ticket-of-leave men frequenting suspected houses haunted by thieves, when the police see them, and also thieves in the house, they may warn the keeper of the house against the thieves, but they are not allowed to point out the ticket-of-leave men ? —There is a distinct order given to the police to that effect ; it was given by me, believing that was the view the legislature and the authorities desired should be carried out.

1792. What in your opinion is the natural tendency and effect of such a system upon those men who are holders of tickets of leave, and who are frequenters of these houses ?—The natural effect is to give

Sir R. Mayne, K.C.B.

17 Feb. 1863.

them opportunities to commit crime, which they might otherwise not have.

1793. You are, of course, aware of the scale of remissions, according to the length of the sentence, that is now in operation?—Yes.

1794. Is it your opinion that those periods of remission in different sentences are longer than is judicious?—No; I think that those seem to be not unreasonable. If there is to be remission those periods seem to me to be moderate. As to sentences for life, or long periods, I do not really understand upon what principle they should be remitted.

1795. I think you told us that an impression prevails amongst the criminal class that these remissions are even longer than they are in reality?—I have been often told so, and I have often heard from the police that they say, "After all, it is only a stretch for 18 months."

1796. I think you stated that in cases of sentences for life, the impression of the criminal classes is that they may be very often reduced to a few years?—I do not think that they often are, but there is a belief that there is no such thing as a sentence for life.

1797. The period actually indicated in the scale, which is the minimum period after which a remission may be obtained in a life sentence, is 12 years?—Yes, it is so.

1798. I think you stated, with regard to the serious crimes you have been mentioning to-day, robbery from the person, and burglary, you find that the majority of those crimes are committed by persons whose ages range from 15 to 30?—Yes, I think so.

1799. I suppose it would be a fair average to assume that the average age of persons committing those grave crimes is 25?—Probably so, and up to 30.

1800. Now supposing that to be the system acted upon, is it judicious or safe, do you think, that persons having committed such crimes should be placed in a state of liberty at the early age of 37, the public believing that those persons are under sentence for life?—No; I think, looking at the nature of the crime for which a sentence for life is passed, it ought to be a much longer period, but that is speculation. I do not know of any case in which the sentence has been remitted.

1801. You stated just now that your own view is that every sentence, and you illustrated it by a 10 years' sentence, should be pronounced at once, and that there should be restricted liberty for a certain time for some other period, five, six, or seven years, but that there should be imprisonment. Do you contemplate that the period of imprisonment should be divided as it is now, between separate confinement in convict prisons, and a period of comparative liberty on the public works?—I do not approve of the employment of these men on public works in common with free labourers; I think it never ought to be done.

1802. You would contemplate, as a portion of that more penal part of the sentence, that there should be a period of labour in comparative liberty?—Yes, for instance, upon such a work as I noticed the other day at Chatham, on St. Mary's Island, where they are making large new docks, and where it is disagreeable work—the men being separated also from all others and free labourers, on such a work as that. I have not seen Portland, but I believe it is the same at Portland.

1803. (*Lord Cranworth.*) Do you say that the men are entirely separated at Chatham?—I think so, at any rate to a very great degree.

1804. You say that there ought to be left a discretion in the judge as to the sentence he should pronounce for the graver offences?—Yes.

1805. Do you think that that would apply to manslaughter?—I do not know how that could be well defined; it may vary from a day's

imprisonment justly up to a sentence for life; but I still keep in mind specially those cases of violence which are of such frequent occurrence. The cases of manslaughter are but few, I think; I do not think that they affect the criminal habits of the people much.

1806. (*The O'Conor Don.*) Do you find that the inquiries made by the police privately, as to the ticket-of-leave men who receive their gratuities, interfere with the employment of those ticket-of-leave men very much?—I am not aware that they do; but it always appeared to me to be a great evil, that of allowing a convict to conceal the fact, for his life is a continual lie and deception, and he can hardly be really reformed while he is continually practising a course of deception.

1807. (*Chairman.*) The moral effect of leaving the convict himself in that state of concealment as to his former career is injurious?—I cannot but think that it must be so.

1808. (*The O'Conor Don.*) You think it is incompatible with the least supervision?—His being concealed is so.

1809. Both in the country districts as well as in the metropolis?—Yes; assuming, as the prison authorities say, that if known they cannot obtain employment, of course it must interfere. In Ireland they say it does not.

1810. (*Mr. Waddington.*) Are you aware that in Ireland they generally procure situations for them before they give them tickets of leave?—Yes.

1811. That would make a very great difference, would it not?—Yes.

1812. Would it not make the whole difference?—Yes.

1813. (*Lord Naas.*) You are aware that the supervision in Dublin is not carried on by the police, but by a special officer?—Yes, I am aware of that; it is carried on by the lecturer at the intermediate prisons.

1814. And the business of providing employment is generally also carried on by that individual?—Yes, as far as practicable; but it is obvious from the reports, that there was a mode of obtaining employment which can only be temporary, and that a very great number were sent abroad.

1815. The great object being to start them on their release, and provide employment for them, even of a temporary nature, when they were first set at liberty?—Yes, the object was excellent; how far it was practicable is another thing.

1816. (*Mr. Waddington.*) I presume that, whatever supervision you might have, it could never be part of the police duties to provide employment for convicts?—No.

1817. With regard to the necessity of supervision, does not that apply equally to convicts who have served out the whole of their sentences?—Quite so. In truth, unless the period was extended either for confinement, or still more for confinement, and liberation under that sort of supervision, it would have very little effect unless it was extended to all cases.

1818. Do I correctly understand you to express an opinion that supervision, confined to the short remaining periods which have to run under the ticket of leave, would have very little effect indeed?—Very little indeed; I have already stated so.

1819. With regard to the order to which Sir John Pakington alluded, under which the police give information to the keepers of refreshment houses with regard to thieves, but under which the police have been told not to point out these other men—was that an order originating with you, or was it done by an express order from the Home Office?—Not an express order, but it was an order consistent, as I

Sir R. Mayne, K.C.B.

17 Feb. 1863.

conceived, with the desire of the authorities; it was, I believe, by the Secretary of State's desire, the order was issued in March, 1856, in consequence of several complaints made that the police were preventing persons from getting employment who might otherwise obtain it and become reformed. The order was this: "March 20th, "1856. The police are not to interfere with convicts on tickets "of leave so as to prevent their following any honest course for "earning their living. Should the convicts obtain employment, the "employers are not to be informed, nor when seen in public-houses are "they to be pointed out to the landlord and required to leave, as in "other cases of convicted thieves and suspected characters."

1820. That order was given by you not under any express directions from the Home Office, but with the intention of carrying out what you supposed to be the views of the Secretary of State at that time?—Just so.

1821. Those views being that those persons having earned their ticket of leave by good conduct in prison were to be treated at first with confidence?—Yes, they were supposed to be reformed.

1822. And consequently it was undesirable that the police should be seen in any way meddling with them at first?—Yes. I do not think that I was aware that the ticket of leave was given as a matter of course. I looked upon it then that the ticket of leave was rather a certificate of a reformed man.

1823. You thought that it was given in consequence of remarkably good conduct in prison?—Certainly; that was my impression.

1824. (*Sir J. Pakington.*) I presume you were also aware at the time that the terms of it were not consistent with the endorsement on the licence?—It may appear strange for me to say so, but until a few months ago I never saw a ticket of leave, and did not know what was endorsed upon it; it was no business of mine.

1825. (*Lord Cranworth.*) You have given the number of the apprehensions that there were in cases of highway robbery in the last six months of 1862 as 82?—Yes, the apprehensions.

1826. Can you state what months they were in?—Yes, I can. Highway robbery, July, 11; August, 11; September, 2; October, 12; November, 32; December, 14.

1827. When were the men who were tried before Mr. Baron Bramwell apprehended?—At the end of November; these were all previously to that. There has been a diminution in the present year; I have a return here (*handing in the same*).

App. No. 5. N.

1828. In December you state that there were only 14?—Yes; they were certainly reduced, I think, a good deal after those convictions.

1829. (*Mr. Waddington.*) There has been, I believe, almost an entire cessation of any extraordinary cases?—A considerable cessation certainly. From the 1st to the 31st January, 1861, there were, for robberies with violence 6; in 1862, 1; and, in 1863, 4; so that there has not been a total cessation; that would give 48 for the year, which would be rather a large number.

1830. There were six in January 1861?—Yes; 1861 appears to have been a bad year altogether.

1831. (*Mr. Waddington.*) What was the state of things in January for this year?—There were four cases of robbery with violence, against one in 1862, and 16 cases of burglary against 11 in 1862. It is remarkable that in January 1862 there was only one case of robbery with violence, the amount taken being 13*s.* 4*d.*, and in January 1863 the amount was 9*l.* 18*s.* out of four cases.

1832. What was the number of robberies with violence in 1861 ?—Six.

1833. Against four in this year?—Yes, and 42*l.* against 9*l.* 18*s.*

1834. Upon the whole the year 1862 appears to be less criminal than in 1861 ?—Yes, except one more case of burglary.

1835. But there are two less in robberies with violence ?—Yes, but that is one of those matters I have never been able to explain.

1836. You can neither account for the commencement of this outbreak, nor for the cessation of it ?—No, I really cannot. I think that the nature of the sentences and the number of convictions in November last had a considerable effect. I think they produced a very deterring effect.

1837. That would show, would it not, that the present system is deterring when carried out to its full extent ?—Yes, but the sentences were very different from what they usually are.

1838. (*Sir J. Pakington.*) Did it not strike you that even of those sentences some were rather lenient ?—They were, but they were generally severe, there were only three for four years. I think that was the shortest.

1839. (*Mr. Waddington.*) You have been asked as to the remission in sentences for life ; you are aware that the rule is that those cases are not to be taken into consideration until after 12 years ?—Yes, I am aware of that.

1840. That distinctly shows that those sentences were not to be considered at all till after 12 years, and then that they are to be decided upon the merits of the particular case ?—Yes ; I do not think that sentence for life, and the remission, can have any effect at present. I do not know that any have occurred, I do not think that the knowledge of the remission has had any effect ; in other cases I think it has.

1841. Have not the circumstances that have come under the public notice been the remissions of these short sentences ?—Yes, and a mistaken notion as to the period that is remitted.

1842. With respect to life sentences, do you not think that transportation would be a peculiarly desirable mode of disposing of those persons ?—I think so, and I was about to read a sentence that illustrates what I think ought to be the principle acted upon, " it is proposed that " in the event of their removal to a colony, such removal shall not take " place until after they have undergone at least eight years of im- " prisonment and labour upon public works in this country ; and that " if not removed to a colony, they shall obtain no remission until after " they have undergone at least 12 years of their sentence."

1843. Would it produce a good effect in the case of a criminal, to be sentenced to eight years' penal servitude in this country, and after that to be transported for his natural life ?—Yes, I think it would.

1844. Would there be any difficulty in passing such a sentence ?—No.

The witness withdrew.

Adjourned till Friday next at 12 o'clock.

Friday, 20th February 1863.

PRESENT :

Earl GREY.	Sir JOHN PAKINGTON.
Lord NAAS.	Mr. HENLEY.
Lord CRANWORTH.	Mr. WADDINGTON.
Mr. BOUVERIE.	Mr. RUSSELL GURNEY.

EARL GREY IN THE CHAIR.

S. Gurney, Esq.

SIDNEY GURNEY, Esq., examined.

20 Feb. 1863.

1845. (*Mr. Russell Gurney.*) You have been Clerk of Assize on the Western Circuit for a great many years ?—For 27 years.

1846. Do you sit generally in the criminal court ?—Always.

1847. Have you a general impression as to whether there has been an increase or decrease in the severity of the punishments during that time ?—I have a very strong impression of there having been a decrease.

App. No. 6. A.

1848. Have you in the last few days gone over the minute book and taken out the average during the different years ?—Yes.

1849. For the first five years after your appointment and for the last five years ?—No, not the first five years ; they would have commenced in the year 1836, but I commenced in the year 1838, on account of the abolition of capital punishment in several cases in the year 1837. I have taken five years, commencing with the year 1838, and the last five years.

1850. What has been the result of that ?—I selected three different offences, in each period, of the higher class, robbery, burglary, and forgery.

1851. Did you also take the second convictions ?—Yes. I find that in the first period there were 79 convictions for robbery, and in the second there were 115. In the first period there were 66 sentences of transportation, the average duration being 18 years and two months ; and in the second period there were 52 sentences of penal servitude, the average duration being six years and two months. With regard to burglaries, there were in the first period 121 convictions and in the second period 180. In the first period there were 89 sentences of transportation, averaging 15 years and ten months ; and in the second period there were 63 sentences of penal servitude, averaging four years and nine months.

1852. There was a much larger proportion of cases punished with simple imprisonment in the latter period than in the first ?—Yes. For robbery in the former period there were 13 sentences of imprisonment, averaging 11 months ; and in the second period 63 sentences of imprisonment, averaging 12 months and two weeks.

1853. (*Mr. Waddington.*) For robbery ?—Yes ; as to imprisonment for burglary, in the former period there were 32 sentences of imprisonment, averaging nine months and a half, and in the second period 117 sentences of imprisonment, averaging just the same, nine months and two weeks. For forgery, there were in the first period 15 convictions, in the second 52. In the first period nine sentences of transportation, averaging 13 years and two months ; and in the second period 21 sentences of penal servitude, averaging five years and four months. In the first period, six sentences of imprisonment, averaging 22 months ; and in the second period, 31 sentences of imprisonment, averaging eight months and two weeks. With regard to transportation for life, in both cases I put life at 25 years.

1854. (*Mr. Russell Gurney.*) Have you also a return of the convictions after a previous conviction?—Yes; of larcenies after previous convictions, for a period of five years, commencing with 1838, there were 124 convictions, and in the last five years there were 120 convictions. In the first period there were 85 out of 124 sentenced to transportation, averaging 12 years; and in the second period there were 21 out of 120 sentences of penal servitude, averaging three years and 11 months. In the first period there were 39 sentences of imprisonment averaging nine months and one week; in the second period there were 99 sentences of imprisonment, averaging six months and five days.

1855. The imprisonment, I believe, has decreased in length also?—Yes, in the ratio of nine months to six.

1856. (*Mr. Waddington.*) Those are for larcenies after previous convictions?—Yes.

1857. (*Mr. Russell Gurney.*) You are aware of the change that was made in 1857, by which there was a power of sentencing to a longer term of penal servitude, and at the same time notice was given to the judges that a portion of that would be remitted in case of good conduct?—Yes.

1858. Has there been any change since that time?—Curiously enough the sentences to penal servitude in each of the two periods of three years before and three years after 1857 are exactly the same in number, 260. The average of the first period is seven years and an eighth and in the second period five years and seven-eighths.

1859. Although it has been known that there was to be a portion remitted?—Yes; still the average is diminished by a year and a quarter.

1860. (*Mr. Waddington.*) The law was made more severe or less so according to the discretion of the judge?—Yes.

1861. (*Sir J. Pakington.*) The practical result is shorter sentences?—Yes.

1862. (*Chairman.*) Is it true that within the last few years shorter sentences of penal servitude have been passed in cases in which 30 years ago the criminals would have been left for execution?—I should say more than that; I am sure that there are now sentences of imprisonment passed in cases in which the criminals would have been left for execution, for crimes of violence.

1863. (*Mr. Waddington.*) With regard to sheep stealing, I believe the severity of the sentences has been extremely diminished; you remember, no doubt, when the offence was capital?—Yes, and when the capital punishment was removed the sentence of transportation for life was compulsory for a time; but now the crime of sheep stealing is greatly diminished compared with what it was, for whereas 20 years ago the almost invariable sentence was 10 or 15 years' transportation, the sentence now is only from six to 12 months.

1864. Would not the same remark apply to horse stealing?—Yes, to horse and cattle stealing.

1865. They were all formerly capital offences?—Yes.

1866. (*Mr. Russell Gurney.*) You have spoken of the great decrease in the crime of sheep stealing, and probably horse stealing, do you think that has been owing to the increased efficiency of the country police?—Yes; from what I have heard from the police, formerly it was quite an exception where a case of sheep stealing was brought home, whereas the undetected cases are now comparatively few.

1867. (*Mr. Bouverie.*) Do you find that there is great variety in the

S. Gurney, Esq. 20 Feb. 1863.

sentences passed by the different judges for the same offences, and committed under similar circumstances ?—Yes, considerable variety.

1868. Without any apparent standard ?—Without any reason for the difference that I can discover.

1869. (*Mr. Waddington.*) I believe that rape is an instance in which some judges pass a very severe sentence, and others a moderate one ?—Yes.

1870. (*Sir J. Pakington.*) Have you not found that that discrepancy applies to all classes of crimes ?—Yes.

1871. Has it not existed to such an extent that while for the same offence one judge would inflict imprisonment, another judge would inflict penal servitude ?—Certainly.

1872. From your long experience have you formed any opinion as to the deterring effect upon the criminal classes of the former sentence of transportation, as compared with the modern sentence of penal servitude ?—It is very difficult, I think, to come to any conclusion upon the matter. I do not think that I can give an opinion.

1873. Your position may not have made you conversant with the earnest applications for mercy which are constantly made to those who preside in courts of justice. I mean those appeals which are made after a sentence has been pronounced ?—Yes, I am nearly always cognizant of them, as I receive letters from the Home Office asking me to send them the depositions in such cases.

1874. Do you think that those appeals for mercy were made more earnestly and more frequently after a sentence of transportation than they are now after a sentence of penal servitude ?—They are more common now than ever they were.

1875. (*Mr. Waddington.*) I believe that until last year adults might be sentenced to be whipped upon every conviction for larceny ?—Yes.

1876. If a sentence of imprisonment was passed it might be accompanied with whipping ?—Yes, but it was not done in practice.

1877. Will you be good enough to state to what extent it was carried out in practice by the judges at the assizes ?—To no extent at all; in the case of adults it was never done. I cannot say that I never knew of such a case, but I do not remember one.

1878. (*Mr. Henley.*) With reference to sheep stealing and horse stealing, is it your opinion that those crimes have increased ?—Latterly certainly the contrary, the decrease has been greatest in sheep stealing.

1879. The law with regard to sheep stealing and horse stealing many years ago was relaxed from capital punishment to transportation for life absolutely at first ?—Yes, the period during which it was compulsory for life was short, only two or three years.

1880. That was the first alteration ?—Yes.

1881. The punishment was afterwards relaxed to diminished transportation or imprisonment, and under that relaxation both the one and the other crime have decreased, in your opinion ?—I think so.

1882. Upon your circuit has crime generally increased or decreased ?—It is not easy to give an answer, for this reason, that more cases are tried at the sessions than used to be; the relaxation of the penal code has led to cases being cognizable by the quarter sessions which were cognizable before only at the assizes; moreover the large number of summary convictions has very materially affected the calendar.

1883. You have not directed your attention to such means as there are of ascertaining the whole amount of crime throughout your district, but you have merely given your answers as confined to your circuit ?—Just so.

1884. Whether crime has increased or decreased you are unable to

tell us ?—I am ; if I judged merely by the circuit I should say that it had decreased; particular offences have largely increased, but the number of criminals is smaller. *S. Gurney, Esq.* 20 Feb. 1863.

1885. With regard to those offences which you have just referred to, what proportion do they bear to the increase of population in the 25 years over which you have extended your inquiry ?—I have not looked at any population returns.

1886. You merely give us the state of the absolute increase without any comparison with the relative decrease or increase of the population ?—Yes.

1887. That element ought to be considered, ought it not ?—No doubt.

1888. With regard to the convictions after former convictions, can you express any opinion as to whether or no the general establishment of the police throughout the country has given great facility for discovering former convictions ?—No doubt.

1889. That is an element also to be taken into consideration ?—Yes.

1890. (*Mr. Russell Gurney.*) Has there been of late more unwillingness on the part of the police and gaolers to give evidence respecting a former conviction than there was formerly ?—Certainly.

1891. To what do you attribute that ?—To the low scale of allowances for expenses to the police.

1892. That scale has been very much reduced, has it not ?—A good deal reduced.

1893. (*Mr. Bouverie.*) Are they out of pocket by the present scale ?—I do not know whether they really are out of pocket, but, in order not to be so, they must cut things very close.

1894. (*Mr. Waddington.*) You have seen, I daresay, a new order just made by the Secretary of State with reference to the allowance to the governor of a gaol who attends to give evidence ; that has been doubled, I believe ?—I know there is such an order.

1895. It has been increased from 3*s.* 6*d.* to 7*s.* ?—Yes, I believe so.

1896. (*Mr. Henley.*) Does your opinion with reference to the question of allowances to a special class of witnesses refer to the amount of the allowance as set forth in a table, or the arbitrary application of that table by the Treasury officers ?—No, my observation referred to the table itself.

1897. Not to the application of it ?—No.

1898. Perhaps you may or may not be aware how far that application is somewhat arbitrary ?—I do not think it is so ; I should not say so from anything I have heard.

1899. (*Lord Cranworth.*) In passing a sentence of penal servitude has it ever been the practice of any judge to explain that after a certain time the imprisonment may be relaxed and tickets of leave substituted ?—I never heard a judge refer to the subject.

The witness withdrew.

JOHN AVORY, Esq., examined. *J. Avory, Esq.*

1900. (*Mr. Russell Gurney.*) You are clerk of arraigns at the Central Criminal Court ?—Yes.

1901. And you also act, I believe, as deputy clerk of arraigns, or of assize on the Home Circuit ?—Yes, I act as deputy clerk of assize.

1902. I believe you have been so engaged for a great many years ?—On the Home Circuit since 1843, and at the Central Criminal Court since 1840 in various capacities.

1903. Have you heard the evidence given as to the gradual decrease

J. Avory, Esq.
20 Feb. 1863.

in the severity of the punishments during the last 20 years?—Yes, I have.

1904. Does your experience accord with that of Mr. Gurney?—Yes, perfectly.

1905. Has it been a general and steady decrease during the whole of that time?—Yes, I think it has been so.

1906. Are you aware of the change that took place in 1857?—Yes.

1907. Since you have had any experience has it been a simple decrease in the severity of the penal servitude sentences?—Yes; I have not gone into any figures, but the impression is clear in my mind that that has been so.

1908. There was no check in that gradual decrease in 1857?—No, I find that in 1857 there were convicted 15,307 persons, generally in the kingdom at large, upon indictments; of those about 7,589 were liable to penal servitude, and 2,583 were sentenced to penal servitude, namely, 35 for life; 41 for periods above 15 years; 133 for periods between 10 and 15 years; 304 for periods between six and 10 years; 495 for periods between four and six years; 1,331 for four years; and 244 for three years. In 1861 there were convicted 13,879 persons, against 15,307 in 1857. Of those persons there were about 6,689 liable to penal servitude, as against 7,589 in the former year; and 2,450 were sentenced to penal servitude as against 2,583 in 1857; they were sentenced to the following periods—for life, 16 as against 35 in 1857; for periods above 15 years, 14 as against 41 in 1857; for periods between 10 and 15 years, 62 as against 133 in 1857; for periods between six and 10 years, 385 as against 304 in 1857; for periods between four and six years, 491 as against 495 in 1857; for four years, 777 as against 1,331 in 1857; and for three years, 705 as against 244.

1909. (*Mr Henley.*) Does that include 1862?—No, it stops at 1861. I may say that the Judicial Statistics, which give the sentences, for the last 10 years, of penal servitude and imprisonment, do not enable you to see how many persons were liable to be sentenced to penal servitude.

1910. (*Mr. Bouverie.*) Does your experience coincide with Mr. Gurney's as to the extreme variation of sentences for the same kind of offences by different judges?—Yes, it does. I have been shown an instance, which is fresh upon my memory now, of two judges sitting at the same time in the same assize town, in different courts, and who tried cases of poaching accompanied with violence to gamekeepers; in the one case the prisoner was sentenced to 10 years' transportation, and in the other to one year's imprisonment.

1911. Were the circumstances similar?—As identical as they could well be.

1912. (*Mr. Waddington.*) Some judges, I believe, give them a week in a case of that sort?—Yes; in the absence of violence, a week is not at all an uncommon thing for night poaching, armed.

1913. If there is no violence to the gamekeeper, a week is not an uncommon sentence by some judges?—No.

1914. And other judges would pass a severe sentence if there was no violence?—Yes.

1915. Can you speak particularly as to the practice of judges now in the sentences of persons convicted after a previous conviction for felony, when that is charged in the indictment?—I have known a prisoner so convicted to have a smaller sentence than on the first occasion.

1916. Do you mean lately?—Not more of late, I think, than in former years. I should say not more since 1857.

1917. You mean that it has been actually laid in the indictment and proved, and that you have known judges who have passed a more lenient sentence for a re-conviction than for the first offence ?—Yes, but that may arise from various circumstances. In the first place, the former conviction may have been many years before, and the accused may have behaved himself well for 10 years, and then have fallen into some small crime. *J. Avory, Esq.* 20 Feb. 1863.

The witness withdrew.

The Rev. JOHN DAVIS examined. *Rev. J. Davis.*

1918. (*Mr. Russell Gurney.*) You are the Ordinary of Newgate, I believe ?—I am.

1919. How long have you been so ?—Nearly 20 years.

1920. Have you had an opportunity of seeing a great number of those who are sentenced to penal servitude, and who therefore pass through the convict prisons ?—Yes.

1921. I am afraid that you have seen a great many who have previously passed through the convict prisons ?—Yes, for a third time too frequently.

1922. Have you observed a considerable increase in the cases of old offenders of second and third convictions ?—We cannot judge about the increase, because we had not an opportunity until they were kept in England of ascertaining what the numbers were.

1923. Not in the last year or two ?—No ; I do not think there is much difference, there is a worse class of men who make a great deal of noise, but I do not think that the numbers are very different with us.

1924. Do you have a good deal of communication necessarily with the prisoners during the time that they are detained at Newgate ?—Yes ; I must see and do see every one of them.

1925. And some of them are tolerably free with you in their communications, are they not ?—Yes ; if you gain their confidence they are very free ; they are very free with their fellow thieves and communicate to each other everything they have done, and they take great pleasure and delight in it.

1926. (*Mr. Waddington.*) Do they associate ?—No ; they are all separate in Newgate. Where persons are brought up without anything like a well-regulated education they fall into the habits or ways of those with whom they associate ; and those wretched persons whom they meet with, and who are more depraved than they are, feel no shame in doing such kind of dreadful acts as they commit, and the others are very much injured by their conversation, their minds become more depraved, and they rapidly enter into their plans and devices even of a nature hardly possible to speak of in terms too strong.

1927. Have you been able to form any opinion from information which you have received at Newgate, as to the conduct of the ticket-of-leave men and those who have been in convict prisons ?—The ticket-of-leave men partake of the whole character of the penal servitude men, a great number of them do well. The relief is very wisely and properly exercised in many cases, and a large mass of them do well ; but the men who do not do well, and who make all the disturbance that has arisen in the public mind of late, are men of depraved habits who live the lives of thieves and have been brought up to it, or fall into it from evil associations.

1928. What do you mean by doing well ?—I know men in almost all

Rev. J. Davis. 20 Feb. 1863.

departments of life who have been convicted, who are now prospering, but who are not known. If they were known it would destroy them; but the great point is to keep that quiet. Men who commit one serious offence, such as forgery or embezzlement, are not always men of depraved minds, but a strong temptation has urged them to commit crime, and public propriety requires a very heavy sentence to be passed; but they usually reform and do not come under the power of the law again; a few do, but not many.

1929. (*Sir J. Pakington.*) They form a small proportion, do they not?—They who amend form a considerable proportion. I can only judge of what we have. Sometimes we get a session with hardly any but old depraved men; a great many get acquitted, and others get different terms of imprisonment; but wherever they are given to the habit of crime I think they ought always to have penal servitude, and not a day should be remitted to such men.

1930. (*Mr. Russell Gurney.*) Have you learned whether a great many of the convicts who do not appear again at the Central Criminal Court are the organizers of the more serious offences than have been committed lately?—There are some men I have heard of who are living now at liberty, and who have been the heads of gangs for many years, as many years as I have been at Newgate. One of the men that was caught in that last bank robbery I have heard of for these 15 or 16 years. He was the man who sold the bank notes, and bought the stolen bank paper. We have had the police again and again, but never could get information sufficient to convict him until this last trial.

1931. (*Chairman.*) What was his sentence?—He has 25 years; but I have heard of him for many years.

1932. (*Sir J. Pakington.*) Had he been previously convicted?—No. That is an instance of a man living for many years by art in defiance of the law. There is one now at the west end of London, who has been living for many years by dishonesty; but he is engaged in the more valuable kind of robberies, burglaries, and stealing of jewels and precious stones and articles of that kind, but he generally buys the articles, he does not go himself; but he has been so engaged for many years. All thieves have nicknames.

1933. (*Mr. Bouverie.*) Has that man ever been detected?—No.

1934. (*Sir J. Pakington.*) Have you heard this from conversation? Yes, from the thieves who have been convicted, and who have been under sentence.

1935. They have talked over these matters?—Yes. The same man who told me about the man I have before spoken of was the one who gave the information upon which Jim the Penman was convicted, and the bankers of London have been saved 10,000*l.* a year since he was convicted, as far as we can judge; some of the friends of this man brought me notes, South American notes and others, on which they were to forge the names and get them out.

1936. (*Mr. Russell Gurney.*) Have you formed any opinion as to the effect produced by the association of prisoners in a convict prison, during the latter part of their imprisonment?—It is very bad and very prejudicial. The first part is good and the way in which a convict is treated is immensely better than it used to be, but in the latter part of their imprisonment they get together; the men from one part of England, from Newcastle and Birmingham, and other places, are told where to go to in London, they do not go to the same places where they have been formerly convicted; they are unknown to the police in London and they carry on their depredations to a considerable extent.

These men often are the leaders of others, and they either do the acts themselves, or they teach other men to do them; they teach the less experienced men how to carry on their wickedness. Almost all the garotte robberies have been done in that way, and are under the leadership either direct or indirect of ticket-of-leave men who have been discharged.

1937. (*Lord Cranworth.*) When you say ticket-of-leave men, does not the remark apply equally to those who have served their full time?—This class of men are seldom out long enough to do it, for generally speaking they are convicted again before their full time is up.

1938. (*Mr. Waddington.*) You are speaking now I think of a long sentence of transportation?—Yes.

1939. (*Sir J. Pakington.*) When you spoke just now of the great improvement in the treatment of prisoners in the convict prisons, did you refer to the change from association to separate confinement?—It was the abolition of the hulks, which I think was a great mercy, for the conversation in those hulks was horrid.

1940. You did not refer to the change from associated imprisonment to separate confinement?—Yes, it does make an immense difference; it is a very serious doubt with many of us whether convicts are not too well treated, for they have better food than a poor man has who gets his living by his labour; they have more meat and more of everything, and then if they are at all ailing they have a medical man to attend them.

1941. (*Mr. Waddington.*) What sort of diet have the prisoners in Newgate?—I think it is called the fourth, it is rather a low diet; there is no difference made amongst the men in Newgate, they all have the same and their average stay in the prison diet book is, I think, 16 days; we cannot get rid of our convicts as soon as we should like.

1942. You call all the men at Portland and at Chatham ticket-of-leave men?—When they are released they are so.

1943. Do you speak of the diet at Portland and at Chatham?—Yes, and of the other places, Woking.

1944. Are the men in Newgate allowed meat?—Yes, they have three ounces of boiled meat on three days of the week, and on the other days they have the same quantity of meat put in the soup. They have a pint and a half of soup, but that is all the meat they get.

1945. I believe they do no work at all?—No, not before trial.

1946. A considerable portion of the men are men who are committed for trial?—Yes, we have the convicts of three sessions at this time in the prison.

1947. Your fullest time is just before the Central Criminal Court Sessions?—Yes.

1948. Are prisoners for trial sent previously to Newgate?—Yes, except those who are out on bail, but there are few who are out on bail.

1949. How does it happen, if the confinement is separate, that the men have the means of conversation?—They have not with us.

1950. I thought you stated that they associated with each other?—Yes.

1951. But you did not mean at Newgate?—No, I was referring to the latter part of the sentence under penal servitude. I think that Newgate is as well now as you can expect such a prison to be.

1952. (*Mr. Henley.*) Are the men who are placed in Newgate for trial allowed to purchase any provisions for themselves?—They are allowed, if they choose, to buy the whole, not a part; but that is only done through the agency of an authorized person.

Rev. J. Davis.
20 Feb. 1863.

1953. Do you recollect the period before penal servitude was introduced, and are you aware to what extent men who were transported for seven years were discharged with a free pardon?—I cannot tell, for that has not come within my experience at all.

1954. You can give the Commission no opinion as to the persons who have been sentenced to seven years' transportation, and who are at large, as to their conduct?—No, that has not at all come within my observation.

1955. You have stated that in your opinion the thieves of London, and especially the class you have named, are under the direction of ticket-of-leave men?—Many of them are; not all of them.

1956. Do you know at all whether before the last ten years the thieves of London were under the direction of any men who had been transported, and had returned?—I think quite as much so; indeed, I think more so, for I think they were more in number.

1957. And that the penal class of London were more under their direction than they are now?—In speaking of the penal class of London it is such a comprehensive term. These men get, perhaps, 10, or 15, or 20 boys. They get them into a house, and they there teach them how to pick pockets.

1958. My question applies to that class to which you have alluded, as being under the direction of the ticket-of-leave men?—I say there are a great many men who commit the worst crimes in London, and they are under that direction. The others teach them or instruct them how to commit crimes of different sorts.

1959. In your opinion that class of persons was more under the direction of returned convicts formerly than they are now under the direction of ticket-of-leave men?—Those who are under them are under them entirely; there is no degree in it at all; they are all together.

1960. So far as your means of observation go, is it your opinion that of those men who return from penal servitude now, whether under ticket of leave, or after having served their time out, a greater or smaller proportion of those men return to bad courses of life than used formerly to do so under the transportation system?—I should think a smaller proportion; there are some of them, but very few, who really get tired of the wickedness of their life and wish to change it; it is a small number, and you cannot trust them; they will go on well for years and then break down.

1961. In your opinion a smaller number now return to bad practices than there used to do?—Yes, I think that the alteration has been very beneficial, but it wants improvement still, for it is idle to give a man whose life is addicted to crime the means of committing it the moment he is out of prison, for it costs ten times as much to keep him out of prison as it does in.

1962. (*Mr. Bouverie.*) But how are you to distinguish between one class and another?—I know that it is a difficulty.

1963. How can the Court tell?—The Court knows as well as we do. I may mention the instance of a boy who was only the other day brought into Newgate for picking a lady's pocket in St. Paul's Cathedral, and I asked him where he was brought up, and he said in Birmingham, or some distant place; but he has got all the habits of a thief. I said to him, "I should say that you were addicted to this "practice, but there is nothing to show it, and in the absence of any "evidence, your word must be taken." But he has given me indications that he has been addicted to that kind of life; it might be the first sentence, but I should put him under penal servitude if I could,

for I think it is idle to suppose that that young man means any good to anybody.

1964. How old is he ?—About 23.

1965. (*Sir J. Pakington.*) You would say that for men convicted of forgery, or embezzlement, or fraudulent bankruptcy, there is a far better chance of those men becoming reformed than for the habitual London thief ?—Yes.

1966. You see a clear distinction between the two ?—Yes.

1967. Do you think that the first class referred to should have tickets of leave, and that the latter class should serve out the whole period of their sentences ?—Yes; anyone who shows that he is leading a life of crime, or intends to do so, ought to serve out the whole of the sentence.

1968. (*Lord Naas.*) You have stated that you are in communication with some of these convicts now who are out and doing well ?—Yes.

1969. How has that communication arisen ?—By meeting them in the street, and by their speaking to me when walking along, and some of them write to me, but I do not much encourage that.

1970. You do not seek any communication of that kind ?—No; I do not think it well to do so ; it never does in helping them to seek for men to help ; you get hold of a fraudulent set of men directly, to whom you do no good.

1971. (*Mr. Bouverie.*) You have spoken of people who have been in a respectable sphere of life, who have been convicts; I suppose they were not under the surveillance of the police when they first came, and would that have been fatal to their obtaining employment ?—I think so.

1972. (*Lord Naas.*) Do you know any instances of that kind in which the interference of the police has prevented men getting employment ?—If we can believe the statements made by the men, that is not at all an unfrequent occurrence when a policeman has gone to a man who has been doing well, and told his employer that he was a returned convict, or a man who had been in prison, and he is immediately dismissed.

1973. Even although that man may be doing well for himself ?—Yes.

1974. (*Lord Cranworth.*) Does a case of that kind ever come to your own knowledge ?—Yes; there was a case that I may mention, of a young man who was employed as a confidential clerk after he had been in prison; he had occasion to go to his former employers with a writ, and they would not receive any paper from him. That led to his dismissal directly; he came to me, and I advised him to try to seek employment elsewhere; he has gone, and, I believe, obtained employment.

1975. (*Sir J. Pakington.*) Is he again in respectable employment ? —Yes.

1976. (*Lord Naas.*) He was recognised by accident, and not by the interference of the police ?—Yes; cases like that occasionally occur, and it is very hard, when a man has a family about him, to be thrown into a state of destitution when he is trying to do the best he can for them.

1977. (*Mr. Russell Gurney.*) Have you formed any opinion as to the desirableness, if it could be effected, of these persons being removed from this country after a certain portion of their punishment had been undergone here ?—I think that that would be good in all cases.

1978. With respect to a man who intends to return to crime, would it be an additional punishment if he were removed from this country ? —He would come back again as soon as he could.

1979. But would it be an additional punishment if he were sent out of the country ?—Yes.

Rev. J. Davis.

20 Feb. 1863.

1980. And in the case of those who intended to alter their course of life, it would be an advantage ?—Yes; but there is no telling what they might do when they get abroad.

1981. (*Mr. Waddington.*) Do you think that a convict who was in London watched by the police would have any chance of obtaining employment ?—I believe that that would depend upon what he was working at. For example, down at the docks, at the water-side, they do not want a character with a man if he has a strong arm and a strong back.

1982. (*Sir J. Pakington.*) Would it not always depend upon the regulations under which the supervision was conducted ?—Yes ; but you cannot, I think, depend upon that, for if you get a bad tempered policeman he would be very likely to act without caution.

1983. (*Lord Naas.*) If the police were selected men, well qualified to perform their duties, might not the thing be done without much risk ?—Yes, if they were told not to make any communication to the employers of the men ; but then it would put the policeman in a very hard position ; for suppose these men turned out dishonest, and it was known that a policeman was aware who a man was, and that he gave no information, that would put the policeman in a very bad light with the employer.

1984. Surely the police do know very often who men are ?—That class of men do not live by labour generally.

1985. But the police do know frequently where these men are when they are doing well, and they are desired not to interfere with them in any way ?—I am very glad that they are, but it is running a great risk.

1986. Would a policeman be considered not to be doing his duty if he did not give information in such a case ?—It would be putting the policeman in a very difficult position.

1987. (*Mr. Bouverie.*) You spoke just now of schools of crime for boys, which you say exist now, regular training schools ?—Yes ; and they are watched now more by the police than they were, but there are some still that you cannot find out, as soon as they are found out they are blown upon, and there is no carrying them on ; they take a house in some remote district and these boys are well fed and well taught, and they plunder and get a good deal of money.

1988. (*Mr. Waddington.*) I suppose the picking pockets is the most lucrative part of the trade ?—Yes ; but it is more so with those who are able to watch men going into banking houses, where there is a good deal of money passing. But the whole difficulty of the question is with these regular thieves, there is no difficulty with the others, the law has operated well with regard to first convictions, and we have no complaints ; I think, if anything, that more mercy might be shown to that class, but to the other class mercy is nonsense.

1989. Your notion is that the best mode of disposing of them would be to transport them ?—You would only remove the evil by that ; if you could conquer them in England it would be better.

1990. (*Sir J. Pakington.*) Is it not one great object to remove the evil ?—Yes ; but you put it somewhere else, and what would the people abroad say?

1991. In an English point of view it would be a benefit ?—Yes, no doubt it would be a benefit.

1992. Would it not be a benefit to the men themselves ?—Yes, to those who mean to do well. The laws are carried out much more severely in America and in Australia too, sentences are a good deal heavier than here.

Rev. J. Davis.

20 Feb. 1863.

1993. (*Mr. Bouverie.*) You stated that you did not think, in the case of men who had been convicts, the question of character affected their chances of obtaining employment on the rougher kind of work?—Yes.

1994. Would not a man's fellow-workmen object to work with him if they knew what he had been?—They would not know it. These men are generally employed in unloading ships and loading ships. There is a river police, who are very effective.

The witness withdrew.

Captain D. O'Brien.

Captain DONATUS O'BRIEN examined.

1995. (*Mr. Waddington.*) Are you one of the Directors of Convict Prisons?—Yes.

1996. How long have you filled that office?—Since April 1849. My duties relate to the prisons of Millbank, Pentonville, Brixton, and Parkhurst in the Isle of Wight. I accept no responsibility with respect to what is done at the public works prisons.

1997. First, with regard to Millbank prison. Will you just tell the Commissioners how many prisoners are confined in Millbank, distinguishing the males from the females?—There is accommodation in Millbank prison, or there will be very shortly, for 706 male prisoners. I say very shortly, because it is proposed to remove the females, who occupy two of the pentagons, to Parkhurst prison, in the Isle of Wight.

1998. Is that for the purpose of making room for convicted prisoners in the first stage of their probation?—Yes.

1999. At present, I believe, owing to the increase in the number of convictions for penal servitude, there is a deficiency of room for those prisoners?—There is a deficiency of room for them at present. Millbank prison holds and has accommodation, or will have when that takes place which I have just referred to, for 706 male prisoners; Pentonville, 560; Leicester prison, under a new arrangement, will hold 140; Perth prison, under a new arrangement, will hold 140; and Wakefield is estimated to hold about 400; making a total of 1946 male prisoners who will have to undergo a period, probably, of nine months' separate confinement.

2000. In the first stage of their sentence?—Yes; I have computed that in the current year there may be 3,029 new male convicts received in all. I deduct about five per cent. for invalids, and five per cent. of that number will be 152.

2001. Will the invalids go to Woking?—Yes, or to Dartmoor, allowing nine months in separate confinement. The remainder, namely 2,877, will require 2,163 cells. The additional cells therefore which will be required, are 217.

2002. (*Chairman.*) Does that mean the cells that will be required this year?—Yes.

2003. (*Sir J. Pakington.*) In that calculation is any allowance made for prisoners who are now undergoing the first stage of their imprisonment?—No; my computation is with regard to prisoners who will be received in 1863.

2004. Irrespective of those who are now under confinement?—Yes.

2005. Therefore you would want so many more cells?—No, because as these come in others will go out.

2006. (*Mr. Waddington.*) They are continually in a state of transition?—Yes.

2007. What is the number in separate confinement at Millbank at

Captain D. O'Brien.
20 Feb. 1863.

any one time, are they kept there or are they transferred immediately? —The regular course is nine months for ordinary prisoners; in addition to those prisoners there are prisoners in the penal class and prisoners who are under observation on medical or mental grounds.

2008. Some serve out their nine months solitary confinement in Millbank prison?—Yes.

2009. What is about their number?—There will be about 700 in the year 1863.

2010. Who will serve out the whole nine months in Millbank?—Yes, when I say they are to serve out the whole nine months at Millbank, such is the theory, but in truth such has not been the practice, because prisoners have been removed at various times from Millbank prison at earlier periods.

App. No. 7. A.

2011. How much earlier?—I submit this return showing the number of months confinement in separation since conviction, in Millbank and other prisons, with regard to 646 convicts removed to Chatham, Portsmouth, and Portland prisons in 1862, excluding the penal class and blue dress prisoners. With respect to the last-mentioned prisoners I have to state, it is convenient and economical that certain duties should be performed by prisoners who wear a blue dress for distinction, and of whom there are I think at this moment 18 in Millbank, they have gone through the whole of their separate confinement in Millbank; but they are subsequently detained as bakers; in the cook house; in the storehouses, and to go of messages. They are not under the same discipline as the ordinary prisoners, and they receive a better diet than the ordinary prisoners; they are treated as if they were on the public works undergoing their second stage of punishment.

2012. Instead of doing hard work they are employed about the prison?—Yes, for convenience. When first I went to Millbank prison prisoners were not so employed, but it was thought that it would be economical to employ prisoners in that way, instead of employing servants who had been in the habit of doing those duties.

2013. On what principle are those men selected, is it rather from their understanding cooking, or on account of their good conduct?—Generally on account of good conduct and short sentences.

2014. Are the men who have served a portion of their sentence in Millbank treated exactly like those in Pentonville, or is there any difference?—There is some difference. At Millbank the inner doors of the cells are unbolted and left open at the end of two months, whereas in Pentonville prison the prisoners are always bolted up. I should explain that the cells at Millbank have an inner wooden door and an outer iron grate; and as far back as the year 1844, I think, it was deemed right that the inner door should be left open on the grounds of health, and the practice has continued ever since. The late Dr. Baly and I had several conversations upon the subject. I objected to the practice on the score of discipline, but Dr. Baly insisted upon it on the score of health, and so it has remained to the present time. I must say, however, that Dr. Guy, who succeeded the late Dr. Baly, is of opinion that the prison is perhaps more healthy now than it was then, and he would be glad to see an alteration as to the open doors. If it did not interfere with the health of the prisoners, so should I.

2015. You consider that allowing them to work with the doors open is too lenient?—Yes, for it allows of communication between the prisoners, which should be avoided as much as possible.

2016. Does the necessity for allowing these doors to be open arise

in any respect from the difference between the cells at Millbank and those at Pentonville ?—It arises more from the situation.

2017. Is there any difference in the cells ?—Yes ; they contain nearly the same cubical contents, but they are differently disposed.

2018. (*Sir J. Pakington.*) Are you clear that the cubical contents of the cells at Millbank are the same or very nearly the same as the cubical contents of the cells at Pentonville ?—It is so ; and in my opinion it is quite sufficient for all sanitary purposes.

2019. (*Mr. Waddington.*) Is the ventilation as good at Millbank as at Pentonville ?—Yes, it is, although differently managed.

2020. The distinction has been made in your judgment in consequence of the position of Millbank prison which stands upon a low place on the river side ?—Yes.

2021. (*Lord Naas.*) Is the health of the prisoners inferior at Millbank ?—The health of the prisoners at Millbank of late years has been nearly as good as at Pentonville ; but whenever there has been an epidemic, Millbank prison has suffered materially, whereas Pentonville has not. On two occasions, when cholera broke out, it was very rife at Millbank, so that the prisoners were obliged to be removed to other places, once to Shorncliffe and once to Dorchester, but we had to remove none from Pentonville ; there has scarcely been an instance of cholera at Pentonville.

2022. (*Mr. Henley.*) Are Pentonville and Millbank prisons supplied with the same water or with different water ?—With different water. The water at Pentonville is pumped up from a well sunk on the premises ; the water at Millbank prison is supplied from the fountains in Trafalgar Square.

2023. (*Chairman.*) That is remarkably pure water ?—Yes, it is said to be so.

2024. (*Mr. Henley.* Was the supply of water the same at the time of the outbreak of cholera as it is now in Millbank prison ?—No.

2025. Where did they get the water from at the time of the outbreak of cholera ?—When Millbank prison was constructed, and for several years afterwards, the supply of water was drawn from the river, but during Lord Palmerston's administration as Secretary of State for Home Affairs, he ordered certain trials to be made ; the result of those trials was the introduction of water from the Trafalgar Square works, which has continued ever since, and the health of the prisoners in Millbank has improved.

2026. During the former outbreak of disease, whether of cholera or otherwise at Millbank prison, they were supplied with water from the river Thames ?—Yes.

2027. Since that change in the water supply has taken place, Millbank prison has been as healthy comparatively as other places ?—Yes ; and there is this remarkable fact, that when the Thames was so polluted some years ago, I think in 1859, there were fewer prisoners on the sick list at Millbank than had ever been known before.

2028. (*Mr. Henley.*) But during that period they had pure water to drink ?—Yes.

2029. (*Mr. Waddington.*) Has there been any dysentery lately at Millbank, for I believe in former days there were some very serious attacks of it ?—When dysentery prevailed in London generally, it was usually worse at Millbank than elsewhere, but of late it has been as free from it as other places have been.

2030. Is the diet the same as at Pentonville in separate confinement ?—There is a little difference in the diet; the dict for males at breakfast is eight ounces of bread, three-quarters of a pint of cocoa. App. No. 7. B.

Captain D. O'Brien.

20 Feb. 1863.

2031. Is the cocoa sweetened with molasses ?—I think it is made up sweet. For dinner five ounces of meat after boiling, one pound of potatoes, six ounces of bread, and a quarter of a pint of soup.

2032. Is that for every day in the week ?—Yes.

2033. (*Sir J. Pakington.*) They have soup and meat ?—Yes; but the soup is the liquor in which the meat was boiled the day previously.

2034. But they have both the same day ?—Yes; the meat comes up in a tin containing the liquor. They have for supper eight ounces of bread and one pint of oatmeal gruel. With reference to the diet that has been in use for a great many years I may say that it was established long before the present Board of Directors was formed, and it always appeared to me to be too much; but nevertheless, when I discussed the matter with Dr. Baly, who everybody would consider to be an authority, he refused to undertake the responsibility of reducing it, or of sanctioning its being reduced.

2035. Is the present medical officer, Dr. Guy, of the same opinion ?—No; he holds rather a different opinion. He has been at Millbank now for about four years, and probably if this Commission had not been sitting Dr. Guy and I should have jointly made a report to the effect that this diet was too much; he suggested as much to me, but I thought it was better that at this moment we should make no change, whatever we might do at a future time.

2036. How long has Dr. Guy been of that opinion ?—He has been of that opinion for some months, and his opinion was arrived at in this way. There is a penal class diet chiefly consisting of Indian meal diet, and it was at one time considered to be very distasteful; however, it now appears that the penal class prisoners do not dislike it, and many of them actually increase in weight upon it.

2037. (*Mr. Waddington.*) And it is given I believe in abundant quantities ?—Yes; Dr. Guy, after examining the whole question of Indian meal diet came to the conclusion that it was too much, then he considered the question of ordinary diet, and he has now come to the conclusion, as he will tell you if you examine him, that he thinks it is too much also.

2038. (*Sir J. Pakington.*) Do you mean that it was nearly four years before Dr. Guy came to that conclusion ?—He has been there for nearly four years, but he has come to that conclusion lately in consequence of his observations during the previous three years and a half.

2039. (*Mr. Waddington.*) Have you yet stated what the diet of the penal class is ?—No.

2040. What is that diet that led to the change of opinion on the part of Dr. Guy ?—The penal class is divided into two stages, the first period is for three months, and for breakfast the allowance is 10 ounces of oatmeal porridge made with half a pint of milk; for dinner, pudding made of 10 ounces of Indian meal, one pint of milk, half a pound of potatoes; at supper 12 ounces of bread, that is in Millbank prison. In the second stage a prisoner in the penal class has ordinary diet. The penal class consists of prisoners who have so misconducted themselves as to be withdrawn from the ordinary prison discipline and placed under a prison discipline which is far more severe.

2041. Prisoners from Portland and Chatham ?—From all the convict prisons.

2042. In what respect did Dr. Guy and you consider this diet excessive, was it with reference to the quantity of meat, or as to any other allowance ?—We thought it on the whole too generous.

2043. What reduction did he propose to make ?—That I cannot

Captain D. O'Brien.

20 Feb. 1863.

tell. Allusion was made a short time ago to the blue dress prisoners, their diet consists of;—for breakfast, 12 ounces of bread, and one pint of cocoa, for dinner, from five to six ounces of meat after boiling, on alternate days, three quarters of a pint of soup, one pound of potatoes, and six ounces of bread; for supper, one pint of tea, nine ounces of bread, and on Sundays, in addition to the above, two ounces of cheese, three ounces of bread, and half a pint of beer.

2044. They may be called prison servants?—Yes; that is the diet belonging to the second stage on public works.

2045. Is the employment at Millbank similar to the employment at Pentonville, or is there any difference; do they work, for example, at trades?—Yes.

2046. Will you be good enough to state shortly the nature of the employment and the result of it?—According to the last return from Millbank there are 194 tailors, 64 shoemakers, 36 weavers, 88 matmakers, eight carpenters, three blacksmiths, four painters, 112 picking coir, six bakers, two labourers, one mason, 74 bag-makers, and 28 learners.

2047. Is there a trades' instructor for the purpose of teaching the convicts who do not understand any trade at all?—Yes; very few of the convicts who come in know any trade.

2048. Have most of those persons whom you have enumerated been instructed in the prison?—By far the greater number of them.

2049. Can you give very shortly a notion of the value of what they produce?—The work that is done is estimated according to a scale of prices which was established in 1853. A good deal of trouble was taken at the time, and upon that return was calculated the value of the total amount of the labour done in the prison in each year.

2050. What was the average per head?—It is impossible to give an accurate answer to that question, because the prisoners are in Millbank sometimes for a short time and sometimes for a longer time, and sometimes they are at one trade and sometimes they are at another, and in fact, the population of the prison is a fluctuating one, both in class and in numbers; after having tried to make out some return of the kind indicated in the question I gave it up as hopeless.

2051. For what number of hours a day are they kept at work?—About nine hours a day.

2052. Do they go to chapel twice a day?—Once a day.

2053. In the morning or in the evening?—In the morning and sometimes in the afternoon, according to the number of prisoners that there may be there, and according to the accommodation which can be found for them in the chapel.

2054. The chapel will not accommodate the whole of them?—No.

2055. Is the same chapel used for males as well as females?—Yes, and that causes the difficulty. They do not attend together. I have a table here of the scale of work to be performed by male convicts entitling them to receive gratuities, and a return of the quantities of work done and their values during last year (*handing in the same*). App.No.7.C.D.

2056. Is that only a return of the work done by tailors?—The return includes the garments made, the bagmakers, weavers, matmakers, basket-makers, pickers of oakum, tinsmiths, coopers, brushmakers, and so on, giving a total of 2,423*l.* 9*s.* 2*d.*, which is the estimated value of the work done in the year 1862, according to the scale which I referred to before.

2057. (*Mr. Henley.*) What proportion does that bear to the actual money received for the products?—No money has been received for these articles, except for mats, as the greater portion have been made

Captain D. O'Brien.

20 Feb. 1863.

for prison purposes. Millbank, Pentonville, and Brixton are the manufactories for the public prisons generally.

2058. (*Mr. Waddington.*) Do you mean the clothing of the prisoners?—Yes, clothing of all kinds, and shoes; all they wear in fact.

2059. With regard to gratuities, what, if any, are allowed to convicts in this stage?—When a man has been six months in prison, and his conduct has been good, he gets a badge, and then he is entitled to a gratuity, according to the work he does, of 4*d.*, 6*d.*, and 8*d.* per week; the gratuities are given according to the amount of work they do. I have before me a return showing the quantity of work that a prisoner would have to perform in order to earn the money to which I have alluded. He must make five jackets to earn 4*d.*, eight jackets to earn 6*d.*, and 10 jackets to earn 8*d.*

2060. (*Mr. Henley.*) You mean in a week?—Yes; then with regard to trousers, he must make the same number; five pairs of trousers to obtain 4*d.*, eight pairs of trousers to obtain 6*d.*, and 10 pairs of trousers to obtain 8*d.*

2061. (*Mr. Waddington.*) The gratuity depending upon the actual amount of work done?—Yes.

2062. Does it also depend in any respect upon his good conduct?—Only in regard to his having been six months in the prison with good conduct, and still wearing the badge which he has obtained by good conduct, but nothing is given until he has been six months in the prison.

2063. The gratuity would not be given to him, unless he had conducted himself well during the six months?—No.

2064. Are there any punishments for that class of men?—The men who have badges are not often punished; if they were to commit offences for which they deserved punishment their class would be reduced.

2065. Be good enough to explain to the Commission generally, supposing that a man neglects his work, what is done with him?—He is punished, according to the degree of his offence, by being put upon bread and water, or in a dark cell. If he commits a very serious prison offence he is punished by an extended period on bread and water diet, or by flogging, or by being placed in the penal class in addition to forfeiture of remission of sentence.

2066. Under whose direction would flogging be inflicted, would it be done by the governor's direction?—No, by mine only.

2067. Has there been a new sort of cat introduced into the Millbank prison as well as into Portland?—Yes, there has, but it is very like the old one; the great change made recently has been reducing the number of lashes from three dozen to two dozen. I have lately seldom ordered corporal punishment to be inflicted, as I think a light punishment with the cat is injudicious; but I think if those who deserve flogging were severely birched on their posteriors it would have an excellent effect. I should treat them in that respect as juveniles are treated. I have consulted many persons of experience in convict matters, and they have all come to my opinion that it would be a most judicious way of treating prisoners who commit offences which deserved flogging.

2068. I suppose an assault upon a prison officer would be a sort of offence for which flogging would be administered?—Yes, the last man, however, that I punished was for breaking 25 panes of glass, his saltpan, and damaging three tin pints. I ordered him to receive 24 lashes in the usual way, but I did not resort to that punishment until he had committed himself so often that I could not avoid it. I had punished him with bread and water diet so often that it appeared

to me it would be just as well to try what flogging would do, accordingly I ordered him to be flogged.

2069. What was the result of the punishment ?—At the end of a fortnight he committed very nearly the same offence, and I ordered him to be flogged again, that was yesterday.

2070. What is the longest number of days for which they are kept upon bread and water ?—28 days by my order ; 3 days by order of the governor.

2071. You can order as many as 28 days ?—Yes.

2072. Do you ever order as many days as that ?— I have very seldom done so.

2073. Are the punishment cells of a different construction from the ordinary cells.—Yes, they are dark.

2074. Are they quite dark ?—Yes.

2075. Are they not lighted at night by gas ?—No, not the punishment cells, there is in them a guard bed, the prisoners are given blankets. The guard bed is a wooden platform raised about a foot from the floor.

2076. What is the longest time that a man is kept in one of those dark cells, do the 28 days apply to that also ?—Yes.

2077. A man may be kept in a dark cell for 28 days on bread and water by your directions ?—Yes.

2078. And for three days by the order of the governor ?—Yes.

2079. I suppose it is very seldom indeed that you have to inflict 28 days of such a punishment ?—I do not now remember a case in which I have ordered so much as 28 days, but I have occasionally gone to the extent of 21 days, and lately I have had to inflict the punishment of bread and water oftener than I did a year, or two years, or three years ago. Very much depends upon the state of the discipline of the prison ; if a prison is getting into disorder, and the prisoners are beginning to think they can act with impunity, as a matter of course the punishments become heavier.

2080. Has that been the case lately ?—Yes. For instance, I found at Pentonville prison a great deal of tobacco was introduced, and it could only have been brought in by an officer. After taking every pains that could be taken we could not discover who the officer was ; it therefore became necessary to operate upon the prisoners ; and one man having a quantity of tobacco in his pocket, and having been brought before me, I ordered him 14 days bread and water. Before that time was out he came to me, at one of my weekly visits, and desired that the punishment should be lessened, but I refused it. He then said to me, "Well, it is too bad that a man should get all this "punishment for a bit of baccy." My answer was, "If you have any "more tobacco I will increase the punishment for it."

2081. Have you yet detected the officer ?—No.

2082. (*Mr. Waddington.*) You say that you have inflicted this punishment in a dark cell for as long a time as 21 days ; did it, when so inflicted, produce no injurious effect upon the prisoner ?—I do not think it did ; the prisoner is always examined daily by the medical officer, and the responsibility with regard to health rests entirely with him.

2083. Are you in the habit of weighing the prisoners at Millbank, in order to see whether a man's weight has diminished ?—I cannot tell how that is. At Pentonville prison we always weigh them.

2084. I will now proceed to the penal class. That consists, I believe, of prisoners who are sent up from all the other Government prisons for breaches of discipline ?—Yes.

Captain D. O'Brien.

20 Feb. 1863.

2085. Be good enough to state the average number in that class at one time?—It varies from 30 to 40.

2086. They are confined in separate cells?—Yes, which are darkened.

2087. Are they entirely darkened, or to the same extent as the penal cells?—They are gloomy; the prisoners can see to read.

2088. They are light enough to enable them to read?—Yes.

2089. What is about the maximum period of confinement in those cells?—I will give an instance. One man has been in the penal class now for over 12 months; and another man has been, I think, rather longer.

2090. Does that depend upon their original offence in the prison from which they were sent, or upon their conduct since they have been at Millbank, or both?—Both. When a man comes into the penal class he is three months in what is termed the first stage; he then passes, provided his conduct is perfectly good, into the second stage, and, after he has been three months in that stage, he is considered to be an ordinary prisoner; if he continues to conduct himself properly for an additional three months there is no objection to sending him then to the public works as an ordinary prisoner; but, if he misconducts himself in the penal class he is thrown back upon each stage, or even if he has gone so far as to misconduct himself very much after he has passed out of the penal stage he may recommence altogether.

2091. When he is sent up from Portland to this penal class is the length of time stated that he is to be kept there, or is there some fixed time that he must stay in it, or does the time he is kept in the class depend upon his offence at Portland?—There have been a few cases in which prisoners have been sent up with stated periods, but those exceptions are so few, and have taken place so rarely of late, that I think I am safe in saying that a man goes through his penal class in the course of three months in the first stage, three months in the second stage, remains as an ordinary prisoner for three months, and then goes back to public works.

2092. Making nine months altogether?—Yes.

2093. What is the treatment in each of those stages?—According to the rules, "penal class prisoners will be confined in cells specially constructed for the purpose of preventing communication between prisoners, and where strict silence is observed. They will take exercise alone. They will be employed as such hard labour as may be ordered, or in picking oakum or coir, or in some such occupation. They will be restricted to a special diet for three months at least. They will not be allowed to receive visits or letters, or to write letters. They will be subject to the ordinary prison punishments for ordinary offences. If specially recommended by the governor, on account of good conduct, at the end of three months they will receive the ordinary prison diet. If again specially recommended by the governor, at the end of three additional months, they will be treated as ordinary prisoners in Millbank prison, receiving badges, gratuities, &c."

2094. What is the diet at the first stage?—"The diet of penal class prisoners throughout the week is as follows: breakfast, 10 ounces of oatmeal and half-a-pint of milk made into porridge; dinner, 10 ounces of Indian meal and one pint of milk, in a pudding, and half-a-pound of potatoes; supper, 12 ounces of bread."

2095. That is the same diet that you mentioned before?—Yes.

2096. How are they employed—is there any harder labour for them

in the penal class than you have before described?—They are not allowed to work at any trades, they pick coir or oakum.

2097. Is that considered more irksome?—Yes, and if they do not pick a sufficient quantity they are punished.

2098. They are supplied with books like other prisoners I suppose?—No, they have only a prayer book, a hymn book, and a Bible. They are exercised by themselves, but they see no one.

2099. They are not allowed to correspond with any one?—No.

2100. The other prisoners, I suppose, are allowed to have more amusing books?—Yes, they have the ordinary prison library books.

2101. Have we now gone through all the class of male prisoners at Millbank?—Yes.

2102. None, I believe, are taken to Pentonville direct?—None; as soon as they come to Millbank they are examined to see whether they are fit to be removed to Pentonville.

2103. What is the number of females who are now confined in Millbank prison?—There are about 470 female prisoners at present in Millbank prison under sentence of penal servitude; they are classified.

App. No. 7. E.

2104. Have they separate cells?—When they first come into the prison they are placed in separate cells and remain separated generally about nine months, then they are brought into association, and are employed upon different work from what they were employed upon at first; at the end of 12 months they are removed to Brixton.

2105. Brixton is the largest female convict prison?—Yes. At Millbank the females are "bolted up" for four months after reception, while the male prisoners are "bolted up" for two months.

2106. Why is there that distinction?—I really do not remember; but I recollect discussing the matter with Dr. Baly, who agreed that the females might be "bolted up" for four months. For two months they pick coir, and in the three succeeding months they make bags, or do other rough work. After that they go on to needlework. By the last return there were 26 laundresses, 98 knitters, 173 needlewomen, and a few others, who were employed in cooking.

2107. Now be good enough to state the diet of those women?—For breakfast three-quarters of a pint of cocoa, made with half an ounce of nibs, half an ounce of milk, and eight ounces of bread; for dinner, four ounces of beef, half a pound of potatoes, and six ounces of bread; and for supper, one pint of gruel, made with two ounces of oatmeal and half an ounce of molasses, and six ounces of bread. With regard to the diet, I believe that if the subject had to be reconsidered now, it would be materially reduced.

2108. Are they in good health, both males and females, living on the prison diet?—Yes.

2109. Does Dr. Guy agree with you that a reduction might be safely made in the female diet?—He thinks so, and so does Mr. Rendle, the medical officer at Brixton.

2110. What are the punishments inflicted upon the females?—Bread and water diet in a dark cell.

2111. What is the extreme length of the confinement?—I have power, with regard to the females, to the same extent that I have with the males.

2112. Have you ever exercised it to the same extent, that is to say, to 21 days?—Not to the extent of 21 days. I never give a woman a lengthened period of bread and water, because her health will not stand it. When the women, who are thoroughly bad, misconduct themselves over and over again, it is impossible to punish them

Captain D. O'Brien.

20 Feb. 1863.

any more, for their health will not bear it, and it does them no good. I think it sometimes renders them worse than they were before, and they become so utterly depraved, and so detestable in every way that really I can scarcely speak of them with common equanimity. I have the female misconduct book here.

2113. (*Lord Cranworth.*) Is that the book showing the punishment of the female convicts?—Yes.

2114. (*Mr. Waddington.*) Do these females receive any gratuities?—Yes, the well conducted receive gratuities according to a scale. In the first class four shirts command 8*d.*, and in the second class 6*d.* Then five shirts in the first class command 10*d.*, and in the second class 6*d.* In the first class for six shirts she would have 1*s.*, and in the second class 8*d.* Laundry women get 1*s.* week. I hand in this "scale of work on which gratuities are paid" (*handing in the same*).

App. No. 7. F.

2115. (*Lord Cranworth.*) Does a woman receive the money immediately on going out of prison?—The women do not receive it all when going out. I place before the Commissioners a memorandum, showing the gratuities that have been paid to female prisoners on discharge during 1862. The largest sum paid was 15*l.* 13*s.* 8*d.*, which was altogether exceptional; the smallest sum paid was 5*s.*

App. No. 7. G.

2116. How is the payment of the sum regulated; do you require for the second payment a certificate of good conduct?—Yes, from a magistrate, or the clergyman of the parish in which they reside.

2117. (*Mr. Waddington.*) Do many of these females put their gratuities in the hands of the Prisoners Aid Society?—Those who go to the society do so.

2118. Are they numerous?—I cannot tell you the numbers. They are all sent on release to what they call their homes. Every woman who is discharged is taken by a female prison officer either to the place she gives as her address in London, or to a railway station, and put into the train for the place of her destination.

2119. Can you give us the number of those whose gratuities have not been paid on account of their not producing the necessary certificate?—No. The prison officers have described the prisoners' homes generally as being the most wretched places imaginable, and that a woman can ever retrieve herself afterwards appears to me to be impossible.

2120. I suppose that a great number of those have been prostitutes?—There are scarcely any of them who have not been prostitutes. We had in 1862 about 23 per cent. of the women returned as reconvicted, and there is a very remarkable table in the statistical account of crime that was published by the Home Office last year, and on reference to that table it will be observed that of those women who were sentenced twice to any punishment, half that number were subsequently sentenced 10 times and upwards. That does not appear to agree with the observation I made just now, namely, that only 23 per cent. of the women had come back, but it is a very remarkable fact that the police do not recognize the faces of women. I was surprised at finding the fact as I have stated, and I could not account for it, but speaking to a police inspector a few days ago he told me that the police who are ordered to attend the courts do not recognize the faces of females, although they recognize the faces of males. He said to me, "All those "women we are now ordered to look at we shall forget in less than "a fortnight."

2121. (*Sir J. Pakington.*) Is it the case that the prison officers have a greater difficulty in proving previous convictions in the case of a woman, than in the case of a man?—A case cannot be proved in the

prisons because the male officers never see the female prisoners; female officers recognize females, but they do not recognize males. *Captain D. O'Brien.*

2122. Therefore the female prison officers are able to prove previous convictions as readily as male officers do the previous convictions of males?—Yes. 20 Feb. 1863.

2123. (*Mr. Waddington.*) What is the number of females at Brixton?—630.

2124. Is the discipline there very much the same as you have described it to be at Millbank?—It is more relaxed. The prisoners there are for the most part in the first and second classes, and therefore they get better food and have pleasanter work to do, and they are brought more into association.

2125. Just describe the diet at Brixton?—For breakfast they have three-quarters of a pint of cocoa, made with half an ounce of flaked cocoa, half an ounce of molasses, and two ounces of milk, and six ounces of bread. For dinner, on Sundays, Tuesdays, and Fridays, four ounces of beef without bone after boiling; on Mondays, Thursdays, and Saturdays, four ounces of mutton without bone after boiling; one Wednesdays, one pint of soup made with three ounces of cooked meat, one ounce of barley, one ounce of rice, one ounce of onions or leeks, one and a half ounces of split peas, with pepper and salt, a quarter of a pound of potatoes, and six ounces of bread. They get for supper one pint of gruel made with two ounces of oatmeal or wheaten flour, sweetened with half an ounce of molasses, and eight ounces of bread; first-class prisoners, one pint of tea every night, made of one and a half drams of tea, and sweetened with half an ounce of sugar, in lieu of the gruel; and second-class prisoners, one pint of tea three times a week in lieu of the gruel. Prisoners under punishment for prison offences, four ounces of oatmeal boiled in milk for two hours, and six ounces of bread. Then the female prisoners who are employed at washing in the laundry and other kinds of hard work get an additional ounce of beef without bone after cooking, or five ounces of mutton without bone after cooking; they get also tea every night and eight ounces of bread. App. No. 7. II.

2126. With all this diet are they kept in pretty good order?—The women at Brixton are kept in tolerably good order; when they misconduct themselves very grossly I send them back to the penal class at Millbank, for we have a female penal class at Millbank.

2127. What are the other punishments at Brixton, besides sending them back to Millbank?—I can put them into the refractory ward for 28 days, on Indian meal diet, as it is called. I can subject them to 28 days in a dark cell, upon bread and water; but I have never done so yet, and never shall. There is also forfeiture of remission of sentence; but indeed I do not know that any punishment has any effect upon them. There is, however, one punishment which I venture to say would work well, and that is to put their feet into the stocks.

2128. How long would you propose to keep them there?—Not above three successive days, allowing them out at night. I have mentioned this proposed punishment to several prison authorities, and I have never met but with one who objected to it. I think it would be an excellent punishment both for females and for males.

2129. (*Mr. Henley.*) Will you just describe what you mean by stocks?—I mean the ordinary stocks, like the village stocks.

2130. (*Mr. Waddington.*) I suppose the females receive continual instruction?—Yes; they have a scripture reader, and they are very carefully looked after in that respect by the chaplain, Mr. Moran, to whom great credit is due.

Captain D. O'Brien.

20 Feb. 1863.

2131. Is there an assistant chaplain ?—No.

2132. Have you anything further to state as to the prisoners at Brixton ?—Yes; the way in which the remissions are settled under my direction at Brixton is different from the way in which those remissions are settled in the male prisons.

2133. (*Lord Cranworth.*) You mean at Chatham and Portland ?—Yes. When a woman is reported, and she forfeits, say, a month, she cannot regain any portion of that time until she has been three months without a report; at the end of three months she regains a week of it, and at the end of four months she regains another week of it, so that by continued good conduct she may reduce the forfeiture down to one-fourth of the whole.

2134. (*Sir J. Pakington.*) But she can never get rid of the whole forfeiture ?—No.

2135. (*Lord Cranworth.*) She can never get rid of more than a quarter of it ?—Never.

2136. (*Mr. Waddington.*) She can reduce it by three-fourths ?—Yes; and the advantage which this arrangement has over the public works arrangement is that a woman has distinctly before her the disadvantage that she will labour under when she commits an offence.

2137. What portion of the whole is taken off for a report ?—According to the nature of the breach of discipline of which she had been guilty. I will state a case now under my notice: a female prisoner forfeited 252 days for repeated prison offences, and she regained by subsequently sustained good conduct one half. She has been able to win back 126 days of those 252 which she lost.

2138. (*Lord Cranworth.*) That is of the time at the end of the whole of the sentence ?—Yes.

2139. (*Mr. Waddington.*) What is the nature of the good conduct ?—Being without a report for three months.

2140. Does it mean exemplary conduct ?—It means that she has not been reported.

2141. That is that she has committed no breach of prison discipline?—Yes. Here is another case of a woman who forfeited 77 days, and she got back 57 days, leaving 20 days only to be eventually forfeited. This system has the very best possible effect.

2142. (*Mr. Russell Gurney.*) Are the reports as strict and as minute at Millbank as they are at Brixton ?—They are.

2143. (*Mr. Waddington.*) I suppose that good conduct refers both to their behaviour and to their industry ?—If a woman is idle she is reported.

2144. (*Mr. Russell Gurney.*) And then she would not recover her forfeiture ?—Except as I have stated.

2145. (*Mr. Waddington.*) If I understand you rightly, the good conduct is combined of her industry at work and her general good behaviour ?—Yes ; and it works extremely well. I wish it was carried out on the public works.

2146. Is the chaplain consulted as to the good behaviour of these women or their attention to religious instruction, does he report ?—Not exactly ; but I visit the prison once a week ; in going through my duties I am always assisted by the lady superintendent, by the chaplain, and by the medical officer, who are present; indeed, I take no steps whatever without consulting them ; of course I am responsible for what I order to be done, but I receive from them the greatest assistance.

2147. Do the females attend chapel once or twice a day ?—Twice a day.

2148. Is it large enough to accommodate them all?—Yes. With reference to the work done, here is the labour book, in which the names and numbers, and work done by, and the conduct of each prisoner in the ward, are recorded.

2149. (*Mr. Henley.*) In the last part of your examination you referred to the treatment of the women, and as to the remission of their sentences at the end of their periods, and the mode by which they can work out their forfeitures, and you stated that that was different from the case of the men; can you state the reason why?—I thought it was a better arrangement than the other.

2150. You had no particular reason for it except your opinion that it would be better?—My opinion was that it would work better, and for this reason, a woman always then knows precisely how she is situated, she has her present position as regards forfeiture before her, whereas a male prisoner has not his present condition before him; he looks forward in a general way to having his forfeitures reduced, but he has not exactly before him the reasons why that should be done. His forfeitures are reduced according to the report that is made of him in a general way by the prison officers, but there is no exact calculation that adjusts the reduction of the forfeitures.

2151. Is there any reason why the same principle which is good for women should not be equally good for men?—I should be happy to see the plan which has been adopted for the women, and which works well, adopted for the men.

2152. Has it ever been suggested?—I have talked about it to my colleagues, but I have not suggested it to any superior authority, it not being my duty to do so.

2153. Upon whose authority was this method of dealing with the women adopted?—Sir Joshua Jebb concurred, but whether it was referred to the Home Office I really do not recollect; it was certainly upon my suggestion that it was done.

2154. How is any change in the management of these prisons effected, is it upon the expressed opinion of the board, or how is it sanctioned and carried out?—We have never acted as a board; there is a chairman, and that would imply that there is a board, but in fact we have no board, though Sir Joshua Jebb is called chairman, and corresponds with the Home Office. He considers himself, I believe, and certainly I consider him, as one from whom orders are to be received. I have no responsibility whatever with respect to any of the prisons but those that are immediately under my superintendence. I give no opinion with regard to them; I receive no information with regard to them, except what I may be able casually to pick up. I am responsible in no way for their management.

2155. Your prisons are Millbank, Pentonville, Brixton, and Parkhurst in the Isle of Wight?—Yes.

2156. Are there male prisoners in all those prisons?—In Pentonville and in Millbank.

2157. Why has not this system of treatment been either suggested and refused, or adopted with regard to male prisoners in the prisons in which they are?—I cannot tell you, really.

2158. You have given very strong evidence to the effect that you consider it an improvement with regard to the women?—Yes.

2159. I have gathered from your evidence that that treatment of the women has been sanctioned by Sir Joshua Jebb?—Yes.

2160. Has the question ever been put to Sir Joshua Jebb with regard to introducing the same practice in the treatment of the men?—It may have been discussed, but I do not remember when or under

Captain D. O'Brien.

20 Feb. 1863.

what circumstances; nor can I say the question has ever been put in a direct way from me to him.

2161. There has been no formal proposition made to receive either assent or dissent?—None whatever; in our official practice what is done is done very much by conversation; we hold no board, and we have no minutes.

2162. But I suppose that if anything occurs to your mind which you consider would be an improvement in the treatment of either the male or the female prisoners in the prisons within your charge, it would be your duty to suggest it to your immediate superior, Sir Joshua Jebb?—Undoubtedly.

2163. Have you made any formal suggestion or not with respect to this difference of treatment which, as I understand your evidence, you consider to be a great advantage?—No, I cannot say I have.

2164. You have stated, I think, that in your opinion the women defeat you in the matter of punishment, that is, that no punishment that you can inflict has any effect upon them?—Yes, to a great extent.

2165. And no punishment has been tried, so far as I have understood you, of a different kind from that which is applied to the men, excepting in degree?—No.

2166. You have stated that confinement in a dark cell, upon bread and water diet, is the only kind of punishment that has been applied to the women, and that that has totally failed?—Yes.

2167. And the only suggestion that it has occurred to you to make is the village stocks?—Yes.

2168. Has that alteration ever been proposed to Sir Joshua Jebb?—I may have mentioned it to him in conversation, but even of that I am not quite certain.

2169. Have you ever brought formally to his notice, or having brought it to his notice and nothing being done, have you brought to the notice of the Secretary of State that in your judgment all punishment that has been applied to females has wholly failed?—No, it has never been brought formally to their notice, but it is a patent fact.

2170. How long have you entertained that opinion?—I first thought of the stocks about six months ago.

2171. How long have you had the supervision of the female convicts?—Since 1849.

2172. Twelve or 13 years ago?—Yes.

2173. It did not occur to you until six months ago that the mode of punishment was wholly ineffectual for females?—I was aware that the mode of punishment was ineffectual; I was always aware of that, but it has only been lately that it has occurred to me that the use of the stocks might be a good addition to the present rules.

2174. That was the special mode in which you thought of changing the punishment?—Yes.

2175. But at what period, since you first commenced the supervision of the female prisoners, did you come to the conclusion that the existing mode of punishing the females was altogether inefficient?—Very soon after I came to have anything to do with them.

2176. But no formal notice of the opinion you entertained has been given either to Sir Joshua Jebb or to the Home Office?—It has appeared in the reports made to Parliament, although I cannot at this moment lay my hands upon them, and to this effect, that punishments when carried to a great extent with the very bad women become absolutely useless and cannot be carried out, for with women who deserve punishment over and over again, the punishment we give

them does not stop them from committing the prison offences for which we order the punishment.

2177. The existing punishments which you have resorted to have been stated, in the Reports made to Parliament, to be useless in preventing the repetition of offences?—It occurs in our reports, but I do not like to say which without reference.

2178. Without reference to the reports made to Parliament, having come to the conclusion that the punishment in the prison was wholly inefficient, is there any record of any action by your board, or any reports by yourself individually, to your official superior, or to the Secretary of State upon the subject?—No, I do not know that there is.

2179. You have stated it as your opinion that the diet of the women would bear reduction, but you stated immediately afterwards that the health of the women would not stand reduced diet in punishment?—By reduced diet in punishment I mean bread and water diet, it affects their health and therefore cannot be continued to any extent.

2180. If the women will not bear reduced diet, which you say is bread and water, when under punishment, how came you to come to the conclusion that they will bear reduced diet in their ordinary state?—There are two questions involved in what you have asked me—one is with reference to their daily food; I think that the daily food might be reduced without injury to the health of the prisoners. The other question is with reference to the punishment diet, which consists of bread and water; I believe that punishment diet of bread and water cannot be carried on from day to day for any lengthened period without materially injuring the health of the female prisoners who are subjected to it.

2181. Do you confine that remark to the females?—Yes.

2182. (*Chairman.*) But in a minor degree it would apply to the men also, would it not?—Yes.

2183. (*Mr. Henley*). You are of opinion that the men could stand the punishment of bread and water for a longer period than the women could?—Yes.

2184. How long have you known prisoners who have been in what you have described as the penal class, that is, prisoners returned to Millbank, kept in the first of those classes?—The longest period that I recollect was 15 months.

2185. During that time did the prisoner suffer at all from the diet he was put upon?—That prisoner was taken into hospital, but I do not recollect why he was taken into hospital.

2186. But that could perhaps be ascertained?—Yes.

2187. (*Chairman.*) Is it not true that men are sometimes in the penal class and for reasons of health are exempted from penal diet?—Yes.

2188. (*Mr. Henley.*) I should like to know how many prisoners have been kept on the Indian meal diet for six months or longer?—I could get a return prepared.

2189. I think you stated that your power extends to putting a prisoner upon bread and water diet for 28 days, but that the utmost you have have ever given is 21 days?—I do not now remember an instance of 28 days.

2190. Was any report made to you when you sentenced a man to 21 days bread and water that any ill effects resulted from it to the prisoners?—No.

2191. You have stated that your power extends to ordering flogging?—Yes.

Captain D. O'Brien.

20 Feb. 1863.

2192. Is that power vested in the immediate officers of the prison? —No, nobody has the power to order flogging but myself.

2193. With reference to a case of insubordination to any extent, is it your opinion that that power might be well vested in the governor of the prison or not?—I think the power should be vested in a director only. My mode of dealing in such cases is to have the offender brought before me, I read the evidence and I swear the witnesses.

2194. (*Mr. Waddington.*) You have power to administer an oath under the Statute?—Yes; I then take the evidence and I cross-examine the witnesses to the best of my ability. I allow the prisoner to ask any question and say what he pleases, and I then decide and write down that the man is guilty or not, as the case may be. I then take the evidence of the governor as to the man's character, and finally, according to his guilt, according to his character, and according to the nature of his offence, I order punishment. That is the mode which prevailed when I was in the army, and may be now for ought I know. I proceed upon the court-martial system, and I then as gravely as possible tell the prisoner what his sentence is. I think that that is a better mode of dealing with a man who commits serious crimes than to have him brought up before the governor and the governor at once to punish him to the extent of corporal punishment.

2195. (*Mr. Henley.*) The result of that statement is, that in your judgment a man ought not to be flogged without a *quasi* judicial inquiry, both sides being heard?—Yes.

2196. You do not think that in a case of insubordination the immediate punishment, which would follow if the power were in the hands of the governor, is of such consequence as the formal and judicial inquiry which you have mentioned?—I think not; minor offences might be dealt with at the moment, but grave offences ought to be tried and decided by some superior authority.

2197. You think it is more necessary that a trifling offence should be dealt with at once, and a grave offence postponed?—Yes.

2198. You have stated that for a certain class of offences, for which you think prisoners ought to be flogged, you would prefer that they should be flogged with a birch instead of a cat?—Yes.

2199. What class of offences do you mean, should you include insubordination among them?—No; I do not very often so punish for insubordination unless the insubordination is accompanied by cruelty, or by violence. The crimes for which I have ordered flogging have been either for assault upon officers, for beastly practices, and nastiness, which are occasionally perpetrated by these prisoners, and to an extent which the Commissioners would scarcely conceive credible.

2200. Do not you consider that an assault upon an officer is an act of insubordination accompanied by violence?—Yes.

2201. Should you order flogging for that offence?—That would depend upon the circumstances.

2202. Do you think that it should be punished in the same manner as the sad class of offences which you have enumerated?—It would entirely depend upon circumstances, and there is this also to be noticed, that to many prisoners flogging is not so distressing a punishment as a lengthened period of bread and water.

2203. You have stated that you flogged one man twice in a fortnight?—Yes.

2204. Did he repeat the offence after the second flogging?—The second flogging was only ordered yesterday.

2205. Is that the only instance in which you have resorted so quickly to the use of the cat again?—I think it is, it has very seldom

happened that I have flogged a man twice. If a man is flogged once, and that does not prevent him from repeating the offence, I think it is generally speaking useless to flog him again, but in this particular case I consulted the governor and the chaplain; we discussed the man's character, and we came to the conclusion that the man ought to be flogged a second time.

2206. Have you found flogging stop the repetition of the same offence?—There are no two prisoners alike; sometimes it may have that effect, and sometimes not.

2207. You have no decided opinion upon that point?—No, in some cases it has that effect, and in many cases it has not.

2208. Has it a greater or less effect in your opinion in stopping the repetition of offences than imprisonment upon bread and water?—Generally speaking bread and water is considered to be the worst punishment by the prisoners.

2209. Whatever it may be considered by the prisoners I wish to know whether in your experience it has had a more deterring effect than the flogging?—I am scarcely able to say, but upon the whole, I think it has.

2210. You have been many years visiting the prisons, and although it may be a difficult question, I presume you must have formed some opinion?—Everything depends upon the character of the prisoner, but I think that the bread and water punishment is considered to be the more severe.

2211. And more deterring?—Yes.

2212. Are there some prisoners with whom the other punishment would have a better effect?—Yes, there are a few, especially the young ones.

2213. Do you think it would be easy to select those characters on whom it would have a more deterring effect?—Much depends upon the health of a man, much depends upon the temperament of a man, and much depends upon his antecedents.

2214. With reference to the change of diet that has taken place at various periods in Millbank prison; do you recollect the early change which took place when there was very severe illness in the prison, or do you know its early history?—No.

2215. You have made a statement with reference to the class of persons who are employed in the prison, enumerating a great number of trades, are those the trades which the men had followed before they come into the prison, or are they trades which have been taught them since they became inmates of the prison?—The latter; very few of the convicts know any trade at all; if they do know one they are employed at that trade, provided it be one that is useful in the prison, otherwise they are put into such a trade as may be the most convenient at the time, and apparently the best suited to them.

2216. Then your enumeration of the shoemakers, tailors, carpenters, and others, did not imply that they had been tailors or shoemakers before they came into the prison?—No.

2217. You have said that some of the prisoners are now employed as cooks?—Yes.

2218. How long has that been the case?—For several years.

2219. Are you aware, or not, that that practice was a good deal objected, to by the prison inspectors, in various county prisons in England?—I know that it was a matter of discussion between them when I was inspector of prisons, and I formed the opinion that it was not desirable that those offices should be performed by prisoners, but it was urged upon me that there would be such a saving of expense, in

Captain D. O'Brien.

20 Feb. 1863.

the county and borough prisons, that it was desirable to employ the prisoners on grounds of economy.

2220. In point of fact is the food in county prisons, generally speaking, cooked by prisoners or by paid cooks?—As well as I recollect, in the majority of the prisons in the 15 counties of England which I inspected, the food was cooked by the prisoners.

2221. You do not know whether that has been altered or not?—No; I do not.

2222. You are not aware whether at the time of the illness at Millbank prison the prisoners in the kitchen, generally speaking, escaped the disease?—I do not know that.

2223. (*Chairman.*) Can you tell us how many hours a day the female warders and officers are on duty?—The female officers at Millbank, on alternate days, 12 hours and 15 hours, including their breakfast, tea, and dinner-time. They are on duty from 6 o'clock in the morning to 6 in the afternoon, and from 6 in the morning till 9 o'clock in the evening, on alternate days, including 40 minutes for breakfast and an hour for dinner.

2224. What opportunities for going out of the prison for relaxation have they?—They can only go out of the prison after 6 o'clock in the evening.

2225. Are they never allowed to go out in the day time?—Not unless there is a special reason for it.

2226. Have you heard of complaints from female warders of the amount of labour exacted from them?—I never received a distinct complaint upon the subject, but I know they have felt dissatisfied with the length of time they have been kept in the prison.

2227. Do you find that there is a frequent necessity to change the female warders in consequence of their health giving way?—No; the health of some female warders has given way, but I do not know that the instances have been more numerous than might be expected under ordinary circumstances.

2228. Have they not the same course of work on Sundays as on other days?—The hours are somewhat different; for instead of beginning at 6 they begin at 7, and there are not so many officers who remain in. I think that a female officer gets out once on every third Sunday at Brixton.

2229. I was speaking about Millbank?—It is about the same there; their time is very long.

2230. Does it not strike you that it is too great a strain both upon the body and the mind of the female warders to keep them so constantly on such severe duty?—I do; the number of officers that there are both in Millbank and Brixton prisons is small; and in Millbank both for the males as well as the females the hours are very long, and they cannot get out so often as I think they ought to get out, the consequence is that towards the close of the day I am told that some of the officers get irritable and extremely cross with the prisoners, and that other officers get so tired out, they really do not much care whether the prisoners about them conduct themselves well or ill: that is what I am told.

2231. The maintenance of good discipline and the satisfactory state of the prison depends mainly upon the efficiency of the subordinate officers?—Undoubtedly.

2232. Therefore, in your opinion would it be an advantage to have an increased number of prison officers, so that both male and female officers might have rather a larger proportion of relaxation?—I have no hesitation in saying that the prison is rather under-officered than otherwise; the fact is that the rule which has been pursued has

been to keep the number of officers as low as possible. I have occasionally asked for a greater number of officers, and I have been answered, "No, they cost too much, we must look to the expenses;" upon the whole we should do better if the number of the officers was increased.

2233. Does that apply both to the male and to the female officers?—Yes, I believe that to be the universal feeling.

2234. I think you have stated that, except upon grounds of economy, you would much prefer not to have the work in the kitchen and store-rooms done by prisoners instead of by free labourers?—Such is my opinion.

2235. Would it not be desirable, except for that objection on the score of economy, to relieve the warders and others by giving them a turn of those lighter kind of duties, instead of being constantly in attendance upon the prisoners?—Yes.

2236. (*Lord Cranworth.*) You stated, with reference to awarding corporal punishment, that you examined the witnesses and proceeded judicially; would there be any difficulty in giving power to the gover nor of a gaol to proceed judicially in those cases?—No difficulty, I should think. I discussed, however, that very question yesterday at Millbank prison very fully with the governor and with the chaplain, and we came to the conclusion that it would be better that the power should be vested in some authority superior to the governor.

2237. Did the governor concur with you in that opinion?—Perfectly.

2238. Have you any office where you can be applied to at any time?—Yes.

2239. How often do you regularly attend Millbank and Pentonville prisons?—Every week I attend Millbank prison, as to the females on Monday, and as to the males on Thursday. I attend Pentonville prison on Tuesday, and Brixton prison on Wednesday.

2240. If on any day any act of insubordination occurred of a grave character in the prison could your presence be obtained at a very short notice?—Yes, and it is frequently so obtained.

2241. So that a judicial investigation need not be delayed by the circumstance that the power was not vested in the governor of the prison, but in some other person without the prison?—I have never found any difficulty in that respect.

2242. Is there any marked difference in the management of Pentonville and Millbank prisons?—The main difference, I think, is with regard to the manufacturing department.

2243. (*Mr. Waddington.*) There is no difference in the discipline, nor in the rules, as to punishment, nor in the diet?—No; the penal class which has been lately established is under the same rules that are in force at Millbank.

2244. For Pentonville prisoners only there is no penal class sent up from public works, is there?—Yes, there is a penal class there; it is guided by the same rules precisely.

2145. How long has that penal class at Pentonville been established?—It was established in 1862.

2246. (*Sir J. Pakington.*) In the description you have given us of the female prisoners at Brixton, of their bad conduct, their depraved habits and hopeless state, were you referring only to the worst class of the whole?—I was referring, I am happy to say, to a minority; many of the women go through their imprisonment without any report at all.

2247. Is it your opinion, with regard to that better portion, that in

Captain D. O'Brien.

20 Feb. 1863.

many cases anything like complete reformation takes place during their confinement at Brixton?—I do not think it.

2248. Have you attended Brixton prison for a great many years?—Yes.

2249. Do you think that the system there is a judicious and well regulated system for the treatment of criminal women?—I do; if I did not think so it would be my duty to bring it before my superiors.

2250. No improvement in the system has occurred to you that you have felt it advisable to report to your superiors?—Except with reference to bringing the women into separate confinement previous to their discharge. I may say that it is my decided conviction that every prisoner ought to be brought back into separate confinement for a certain period previous to discharge. That is true in my opinion with reference to the women as well as to the men.

2251. For how long would you impose separate confinement?—From three to four months.

2252. The women are subject to separate confinement in the first instance as the men are?—Yes, for nine months.

2253. Have you ever made that suggestion to your superior officers: that you thought the women should be so treated?—Yes, I have discussed the subject with Sir Joshua Jebb.

2254. But the idea has not been encouraged?—No.

2255. Is the female prison at Fulham under your care?—No; it is under the care of Sir Joshua Jebb entirely. I know nothing of it

2256. Reverting to the system pursued at Millbank, did I not understand you to say that all the male convicts in Millbank work at trades?—Yes, and picking coir; but the great majority are employed in trades.

2257. Do you consider that to be an irksome or penal mode of occupation, or the reverse?—It is certainly not penal; it would be a greater punishment if they were kept without working at their trades.

2258. That is to say, if they were employed in labour of some other description?—Yes.

2259. Do you think that it would be difficult to devise labour that would be of a much more irksome and penal description than employment in trades?—I think that it would be very difficult to do so. The subject has occupied persons connected with prisons for many years, but nobody has ever yet discovered any other mode.

2260. Is not picking coir more irksome?—Yes, it is more irksome.

2261. Therefore, if it were continued, it would make the system more penal?—Yes.

2262. Are we to infer that the abandonment of a more penal system for a less penal system is, in fact, the substitution of an easier system on economical grounds, without regard to the punishment of the offender?—I do not think that it depends altogether upon those considerations. I think that it depends more upon the necessity for employing people at some handicraft work, because there are many prisoners who would break down altogether if they were kept at picking oakum for months and months.

2263. In what respect do you mean that they would break down?—Their health would give way.

2264. Taking that view of the question might it not be left to the decision of the medical officer?—Practically it is left to the decision of the medical officer now, inasmuch as if a man's health is failing, and the medical officer thinks it is in consequence of his being at a trade or not at a trade, he gives his opinion and a change takes place, but I think it would be difficult to arrange, if I apprehend the question

rightly, to take a man and say, "For four months you will be employed "at picking coir, and then you will be put to a trade, and we will then "take you from that trade and put you back again to the coir."

2265. Looking to public objects is it not desirable to keep men at that occupation, whatever it may be, which, having due regard to their health, is most penal ?—No doubt.

2266. You consider, I presume, that picking coir is much more irksome than working at a trade ?—Yes.

2267. But they are not kept at picking coir ?—No.

2268. Would not breaking stones be more irksome ?—Yes.

2269. Why should not that be adopted ?—It might be, and in some of the country prisons it has been.

2270. But not at Millbank ?—No.

2271. Have you ever tried the cranks ?—No, the crank question was much debated, and fully investigated before a committee of the House of Commons, of which Mr. Beckett Denison was chairman, and subsequently in a committee of the House of Commons, of which Mr. Baines was the chairman, and the result was, that crank labour was not adopted, but generally rejected.

2272. My question was whether crank labour had ever been resorted to in Millbank or Pentonville prisons ?—No.

2273. Is that very irksome labour ?—Certainly.

2274. Is it not more penal because it is unproductive ?—No, I do not think that the prisoners consider whether what they are doing turns to profit or not.

2275. Did you say that the result of the figures that you gave us as to the probable number of prisoners in 1863, showed a deficiency of cells for their accommodation of somewhere about 200 ?—Yes.

2276. An opinion has been expressed to this Commission that it would be very desirable for public objects to increase the present period of nine months passed in separate confinement to 12 months; if that was done I presume it would be necessary to provide a considerable number of cells, and have you calculated the extent to which you must increase the accommodation ?—Yes; it would be necessary to increase the accommodation by one fourth.

2277. The difference between the two would be the ratio of the increase ?—Yes.

2278. I understood you to say that you have for a long period disapproved of the diet at Millbank, so long ago as the time when Dr. Baly was medical officer, as being better than it need be; did you and Dr. Baly have conversations upon the subject ?—Yes.

2279. Did you, at an early period, after Dr. Guy became medical officer, make the same representations to him ?—We talked of it, but what was actually said I do not now remember.

2280. You do not remember whether you made any representation to Dr. Guy to the effect that you thought the diet at Millbank better than it ought to be ?—I do not remember what passed between us.

2281. Are you aware that the diet at Millbank, for prisoners in separate confinement, is better than the diet at Chatham where the convicts are employed upon severe labour in the dock yard ?—I am under the impression that it is not so.

2282. (*Lord Naas.*) Do you give any gratuities to the warders at Millbank or at Pentonville ?—Yes.

2283. What is the scale upon which those gratuities are given ?—The gratuities are given, upon the recommendation of the governor, to the instructors for the purpose of bringing on the prisoners and getting as much work out of them as possible The gratuities vary from

Captain D. O'Brien.

20 Feb. 1863.

2*s.* 6*d.* to 3*s.* 6*d.* a week each, but they are not given to any of those officers who are simply discipline officers.

2284. What does the amount of the gratuity depend upon; upon the amount of the work done by the prisoners under a warder's care, or upon the report made by the warder generally of the conduct of the prisoners?—It depends upon the opinion that the governor himself has formed of the quantity of work got done by the instructor and the diligence that he has shown in instructing the prisoners.

2285. Then the conduct of the prisoner does not count in the warder's gratuity?—No.

2286. Does it depend then entirely upon the personal supervision of the governor, or does it depend upon the written reports made by the warders to the governor?—How the governor actually forms his opinion upon the matter I cannot tell you.

2287. The scale of gratuities is an arbitrary one, entirely at the discretion of the governor?—Yes, within the limits of 2*s.* 6*d.* and 3*s.* 6*d.* a week.

2288. (*Mr. Russell Gurney.*) You said that, except upon the ground of economy, you would prefer to have free labourers to do the household work in the prison?—Yes.

2289. Would there not be considerable inconvenience in introducing free labour arising from the danger there would be of communication between the free labourers and the prisoners?—I should have them under the same control that I have the ordinary warders.

2290. (*Lord Cranworth.*) Have you no paper showing in each particular case the exact time during which the prisoners in the course of last year were confined in separate confinement at Millbank?—No.

2291. I observe that there was one as long as 14 months, and several as low as six months. We have been led to suppose that there was a uniform period for each of nine months, and can you explain that?—A uniform period of nine months has been the theory, but that has been departed from whenever it was thought necessary to take the prisoners from separate confinement to the public works.

2292. That might explain why some were removed at six, seven, and eight months?—Yes.

2293. What was the ground on which some were detained for 14 months?—Probably that was the case of a prisoner who was not sufficiently well at the moment to be passed on; but that has been exceptional.

2294. (*Lord Naas.*) Could you state whether there is a great difference in the amount of the gratuities given by the governor to those warders, or whether they are generally uniform in amount?—They are generally uniform.

2295. Then the general practice is that the warders get their gratuities?—Yes, they do.

2296. The full gratuities?—Varying from 2*s.* 6*d.* to 3*s.* 6*d.*, according to the amount of work they have got out of their prisoners.

2297. It is a rare case when a gratuity to a warder is withheld?—Yes.

2298. (*Chairman.*) Have you many cases of assaults by prisoners on officers?—Comparatively speaking, there are fewer assaults committed on officers in close prisons, as we term them, than have been committed on officers at the public works prisons; but I certainly have had some dreadful cases.

2299. (*Mr. Russell Gurney.*) You do not think that the warders act under fear of violence from the prisoners?—Yes, I do. There are some of these prisoners now in Millbank whom it is very dangerous to

approach, and the officers do not approach them without very great terror, and without taking very great precautions. *Captain D. O'Brien.* 20 Feb. 1863.

2300. Are they influenced by fear of the prisoners in the reports they make respecting them ?—It may be so, but I cannot say positively.

2301. Do you believe that they are not ?—I think that they state generally what is the truth in making their reports.

2302. You think that they are not afraid of reporting badly of a prisoner ?—I cannot go so far as to say that, because I know that some of these prisoners are such desperate ruffians that the officers are probably more inclined to look over their offences than to report them.

2303. (*Mr. Waddington.*) There have been some of them, I believe, who have been discharged lunatics; then they have been to Bethlehem and have then been returned to you upon certificates of sanity ?—Yes, there are some.

2304. There was one case in which a man afterwards murdered a warder ?—Yes.

The witness withdrew.

Adjourned to Tuesday next at 12 o'clock.

Tuesday, 24th February 1863.

PRESENT:

Earl GREY.	Mr. WALPOLE.
Lord NAAS.	Mr. HENLEY.
Lord CRANWORTH.	Mr. WADDINGTON.
Mr. BOUVERIE.	Mr. RUSSELL GURNEY.
Sir JOHN PAKINGTON.	Mr. CHILDERS.

EARL GREY IN THE CHAIR.

Captain ARTHUR EDWARD KENNEDY examined. *Captain A. E. Kennedy.* 24 Feb. 1863

2305. (*Chairman.*) You have filled the office of Governor of Western Australia, I believe ?—Yes.

2306. In what year did you assume the government, and when did you relinquish it ?—I assumed the government in 1855, and left it in 1862.

2307. As Governor of Western Australia it was your duty to superintend the convict service, and to watch the effects of transportation upon the interests of the colony ?—It was.

2308. Will you be good enough to state the opinion you have formed from the opportunities which you have thus had of observing the efficiency of the system, and of its results ?—My opinion is that the results have been most favourable; the system, I think, is capable of being improved, and on the whole it has worked well.

2309. The colony has, I believe, advanced very materially in prosperity since convicts were sent there ?—It has very materially advanced.

2310. I find it stated in one of the enclosures of your despatches, that in 1850, after 21 years' existence as a colony, there were not five miles of cleared roads in existence, and only one bridge; what extent of cleared roads and what bridges are there now ?—From 1856, which was the period immediately after I became governor, to 1862, I find that it is stated in some of my public reports that there were 192 bridges built, that is, in the period between 1855 and 1862.

2311. (*Lord Cranworth.*) That is, during your government ?—Yes.

Captain A. E. Kennedy.

24 Feb. 1863.

There were 192 bridges built, and there were 219 culverts built, a small description of bridge, and there were 1,030 miles of road cleared, in addition to making and repairing those that were previously in existence.

2312. (*Chairman.*) When you speak of roads being cleared you mean, I suppose, that the bush was cleared away?—Yes, and roads made and formed, not metalled.

2313. That, I suppose, makes a sufficiently good road for ordinary purposes in the colony?—For all purposes.

2314. In 1850, I believe, there were serious apprehensions that the whole of the inhabitants would abandon the colony, even before gold had been discovered in the other Australian colonies?—I believe that every person who could get away absolutely did go; those who were not absolutely tied to the soil left it at that time.

2315. That was in 1850, before gold had been discovered?—Yes, before gold had been discovered at all. On the subject of roads and bridges, I do not know whether I should state that in the year 1855 the total amount expended, all from the colonial funds of course, on roads and bridges was 3,000*l.* in round numbers, and in the year 1861 the expenditure on the same account amounted to about 14,000*l.*, all defrayed from purely colonial funds. Of course those funds would not have been available, in fact the whole revenue of the colony was not above 14,000*l.* in 1850.

2316. Has the security of life and property been diminished, or any injurious moral effect been produced on the free inhabitants by transportation?—I believe none. I do not believe that there is any part of Her Majesty's dominions where life and property are more secure than there, that is the character of the whole colony.

2317. I find that the Comptroller of Convicts, Colonel Henderson, has expressed the opinion that Western Australia has peculiar advantages for receiving convicts, on account of the difficulty if not the impossibility of escape, and from its climate and natural resources; is that your opinion?—I quite concur in that opinion.

2318. He states, I think, that not a single convict has escaped from custody in the 12 years during which it has been occupied as a convict colony?—Not a single probationary prisoner.

2319. A very small number of those with tickets of leave have effected their escape?—The total number of ticket-of-leave men who are not accounted for, or who, in other words, may have escaped, are 42 in 12 years, and of those 42 we know to a certainty that 21 were taken off in American whalers that touch on the coast. When they lose a man, they are of course anxious to get another to take his place. They took away 21, and of the others, my belief is that the greater part of them died in the bush in attempting to escape to other colonies. Forty-two is the total number unaccounted for out of nearly 6,000 convicts in round numbers.

2320. As to the resources of the colony, do you consider that they are sufficient to enable it to receive an increasing number of convicts?—I have no doubt whatever of it.

2321. Do you believe that the accumulation of capital, and the development of labour, will enable it to absorb as many able-bodied convicts as it is desirable to send there?—I have no doubt of it, within a certain number, of course.

2322. Will it in your opinion be a gradually-increasing field for the reception of convicts?—I think so, because every convict sent there will in fact produce more than he can himself consume.

2323. You said "within a certain number;" does that mean that

they could not receive more than a certain number ?—I meant beginning with a certain number.

2324. What number should you say could be received at first ?—I should say, as a minimum, 1,000 convicts may be readily and safely sent.

2325. Might that number be gradually increased ?—I think so.

2326. As to the convicts themselves, do you find that in general, after having obtained their release from custody, they maintain themselves by honest industry or not ?—Almost invariably.

2327. They cease to be a burden on society, and become, in fact, useful members of it ?—No doubt of it.

2328. Do you think that this arose from the circumstance that, whether they were really reformed in heart or not, they were placed in the colony in circumstances in which they were comparatively little exposed to temptation, and at the same time knew that, if they were guilty of misconduct, they could not escape prompt and severe punishment ?—I think that is due principally to the absence of temptation, and the certainty of being punished with promptitude. Possibly on that subject it would be interesting to the Commission to know the number of persons convicted from 1855 to 1860, inclusive, before the only criminal court, the Court of Quarter Sessions. I find that in 1855 there were 56 convictions ; in 1856 they were reduced to 29 ; in 1857 they were reduced to 15 ; in 1858 they were reduced to 11 ; in 1859, with an increased number of convicts, they increased to 17; and in 1860 to 23. Those were the whole of the criminal cases that were tried in the colony before the Quarter Sessions in those respective years.

2329. (*Mr. Bouverie.*) That is, convicted or not convicted ?—Yes.

2330. (*Chairman.*) The general conduct of the convicts upon ticket of leave, I believe, is very good ?—Good.

2331. Do not some of them raise themselves to a condition almost of affluence ?—Many of them do.

2332. They become themselves the employers of convict labour ?—Many of them.

2333. Some of them, I believe, have married in the colony the daughters of settlers, and have become men in a very respectable position ?—Many of them, and I am perfectly satisfied that they would not leave the colony if they had permission to-morrow.

2334. And the per-centage of those who are found unmanageable, and are repeatedly re-convicted, is very small ?—It is a small proportion, but there are some clearly.

2335. Then those men are prevented from doing any serious injury to the colony by the promptitude with which they are brought back to prison and retained there ?—Their punishment is certain, and they cannot escape. I may say of the unmanageable few it is my opinion that they ought to be treated as lunatics. If the same pains were taken to ascertain their sanity as in other cases, I am satisfied that any 12 men would pronounce them to be insane.

2336. As to the system of managing the convicts in Western Australia, I believe that of late years when they arrive they are generally sent on landing to the prison at Freemantle ?—Yes.

2337. And then as soon as possible they are distributed in road parties in the different districts in the colony ?—Yes.

2338. For those road parties, I believe, no buildings are necessary ?—None whatever.

2339. The men hut themselves, do they not ?—Yes.

Captain A. E. Kennedy.

24 Feb. 1863.

2340. And when they have finished their work in one place they make new huts in another?—Yes.

2341. With very small expense?—No expense, except their convict labour.

2342. While thus employed they have a very small strength of officers looking after them?—There is usually one. There are never more than two warders to each party. A party may consist of from 20 to 50.

2343. When they are thus employed, they have been placed, I believe, of late under a regulation by which the period of their discharge is made to depend upon their earning a certain number of marks?—That is the case.

2344. A calculation is made according to the length of their sentences, and the number of marks which each man earns before he becomes a ticket-of-leave holder?—Yes.

2345. Then every day's work is recorded with three, two, or one, according to the amount of work done?—Every day's work is recorded according to his conduct. The work is marked in a tabular form for the men to see.

2346. He knows always exactly how near to the period of obtaining a ticket of leave he is?—Precisely. He can count the marks as he would his money.

2347. For misconduct a part of those marks is forfeited?—Yes, according to a fixed scale.

2348. I find that the Comptroller of Convicts in several successive reports expressed his opinion that this system is a great improvement on the former system of classifying the conduct of the men as exemplary, V G and G, and postponing their release if they failed to obtain a higher classification?—That was the former system.

2349. He thinks that the present system is a great improvement upon that?—I think so too.

2350. It is less complicated and better understood by the men, is it not?—It is evident that the men understand it clearly.

2351. The former system is stated to have been ill understood, and a constant source of irritation between the men and the overseers?—Always.

2352. Do you agree with Colonel Henderson in that opinion?—Yes.

2353. Has the new system been very successful in stimulating the convicts to industry in their work?—I think it has.

2354. And the success is the greater where you have good warders to look after them?—Yes, that is so; the only weak point, I think, in the system is the difficulty of getting men of that class who will administer it conscientiously and honestly.

2355. Any system of managing convicts in this way must depend almost entirely upon the efficiency of the persons employed as warders?—I think wholly, and I do not think too much stress can be laid upon that point.

2356. I believe you are acquainted with the system of employing men in the intermediate prisons in Ireland?—Yes.

2357. Does not the system of the road parties generally resemble that system?—Yes, in every respect almost.

2358. Is it advantageous to the colony that the convicts should not receive tickets of leave immediately on their arrival, but should undergo a certain period of training of this description, in the first instance?—I think it is not only a benefit to both, but I think it is absolutely necessary to the success of any system there. Sending a man from England, unaccustomed to the country and to the habits of the country,

and letting him loose at once, he is sure to fall into crime, or at the very least to be discouraged; but from the habit of working upon the roads in these parties he becomes connected with settlers in the neighbourhood who know his merits, and if he is a labouring man and he acquires his liberty, he is immediately taken into service.

2359. He gets accustomed to the rough life of the bush?—Yes.

2360. And he gets rid of any exaggerated expectations that he had as to obtaining high wages?—Yes.

2361. And he gets to know the country better?—Yes.

2362. He is also trained to the description of labour that he has to perform as a ticket-of-leave holder?—Yes. I think it must be obvious to any person that if you send a man out of an English prison where, according to the opinions of some, he is over-fed and under-worked, and set him loose at once in a new country, where he is really obliged to earn his bread by the sweat of his brow, he will be completely unfit for it without undergoing some probation.

2363. Is the expense of keeping those men in the road parties considerable? — No more than anywhere else. Their provisions are generally contracted for by people in the immediate neighbourhood.

2364. You find that there is no increased expense as compared with the convicts at Freemantle?—None whatever. There might possibly be a slight additional wear and tear of clothing, but nothing else.

2365. These road parties are doing work which is peculiarly calculated to render the natural resources of the colony available for an increased number of settlers?—Undoubtedly; they are always employed in that direction.

2366. You have stated that the weak point of the system is the difficulty in obtaining good discipline officers?—I think so.

2367. Do you consider that the advantages which the discipline officers now enjoy are sufficient to induce the best men to enter the service?—I do not.

2368. I find that Colonel Henderson, in one of his reports, mentions that while the wages of free labourers are about twice as high in the colony as in England, the warders only receive the same rate which they would receive here; they are consequently in a lower position, compared with the men under them, than they would be at home?—That is quite true.

2369. Do you find that prolonged contact with convicts deteriorates the morale of officers?—I have no doubt of it whatever.

2370. Do you think it desirable that arrangement should be made by which there should be fresh blood, so to speak, poured into the service frequently?—I think so.

2371. And that men should not be employed in those capacities for too lengthened a period?—I think they should not—not men of that grade.

2372. Do you think that to improve the prospects of the warders, and at the same time to prevent their continuing too long in the service, it would be desirable to encourage men under a promise that, after a few years of good conduct, they should be discharged with certain advantages?—I think that that would be very desirable. We find, in reference to the police in Western Australia, which is quite an analogous case, that the only means of obtaining really respectable men, and of retaining them for the requisite time, is to adopt that system, and there is now a system adopted there by which every man, after a certain number of years' service, acquires 50 acres of land, and a man looks forward to it; he always has that object in view, and they also

Captain A. E. Kennedy.

24 Feb. 1863.

give gratuities to the men. I think that the same system might be carried out with regard to the convict officers.

2373. If you held out to the warders the prospect that, at the end of five years' good service, they should have 50 acres of land each, cleared for them by convict labour, with a house erected upon it, you think that that would be a very great inducement to men to enter the service?—You would then get a better class of men to enter the service.

2374. Looking forward to such a reward at the end of that time, it would operate as a very powerful motive to induce them to do their best as long as they remained in the service?—I have no doubt of it.

2375. And also, as the nature of the service is so harassing, the men should be able to look forward to being relieved from it after a certain time?—I think so, certainly.

2376. I observe that in the reports of the Comptroller of Convicts it is mentioned that a great evil has arisen from the gratuities which are sometimes paid to the convicts on their discharge, as they have been led into drunkenness, and great abuses have arisen?—That was the case, but it has been rectified to a great extent by a change in the system, possibly since the date of the report that your lordship refers to. The custom was, the moment that a man obtained his ticket of leave to hand over to him the amount of his gratuity, and the natural result of that was that he rushed to the first public house, or was inveigled there by designing people, made drunk and robbed, and possibly fell into crime. Cases have occurred in which a man has not been 24 hours out of the establishment when he has been sent in again, but that has been remedied by adopting this plan, transmitting the man's gratuity, whatever the amount was, to the magistrate of the district to which he is assigned, the magistrate only paying out the money in portions as the man required it while seeking for employment.

2377. Is there any sufficient reason, in your judgment, for giving them a gratuity at all?—I think that the ground on which the giving them a gratuity was originally based was to enable a man to reach his home, or to provide himself with necessaries while in search of employment.

2378. But in Western Australia he does not want that assistance?—I think not.

2379. If he had a few shillings given to him to provide for his immediate necessities that would be sufficient?—I think quite so. I think that gratuities, on the whole, do mischief instead of good.

2380. With respect to the description of convicts who are sent out to Western Australia, I observe in the reports that several lunatics have been sent out?—Several.

2381. I believe as many as 28?—I cannot speak accurately as to the numbers, but certainly there was a considerable number.

2382. I am afraid also that men who were still more objectionable, and who had been convicted of unnatural offences, were sent out?—On one occasion, according to the report for 1858, presented to Parliament in 1860, p. 34, it will be found that there were no fewer than 22 who had been convicted of that offence at one time in the prison, namely, on the 31st December 1858.

2383–4. Do you mean that they had been convicted in England of that offence and then sent out?—Yes.

2385. (*Mr. Waddington.*) Do you mean that 22 had been convicted of unnatural crimes in this country?—Yes, I think so.

2386. (*Chairman.*) Is it particularly objectionable to send out persons who have been convicted of such offences to a colony like

Western Australia ?—I think it is objectionable to send them anywhere amongst Christian people.

2387. I believe that you have had also a good number of clerks and persons of that description sent out who have been convicted of forgery or embezzlement ?—Yes, a very considerable number.

2388. Do you think that they are proper persons to send into a colony ?—I think not. I think that they set a bad example, and I do not think that the ends of justice are attained by it, for it is but little punishment to them.

2389. They generally, I believe, contrive in some way or other to escape hard labour and to live very often upon the produce of their plunder in former times ?—Almost invariably.

2390. I understand that the description of convicts originally sent out to Western Australia were chiefly able-bodied men and capable of hard labour ?—Yes; and I would make but two conditions—that the men sent out to Australia should be men capable of earning their bread, for I really do not think that there is much difference in the convicts, if you deduct the two classes that I have named, those who have been convicted of unnatural crimes and bestiality.

2391. I suppose that those who have been guilty of some of the most atrocious offences for which men used formerly to be hanged you do not think ought to be sent out ?—I think that there were no fewer than 27 or 37 murderers in prison in Western Australia at one time in 1861.

2392. Is it your opinion that with regard to men of that sort the system which they are subjected to in Western Australia is a sufficiently severe punishment ?—I presume that the sentence or the punishment is generally proportionate to the offence; but I must say that those men, for instance, murderers and that class of men in Western Australia, are not the most objectionable class of persons, and I would not object to take them in the least; men who have committed robberies with violence are the men who are comparatively harmless there, for the simple reason that there are very few people to rob, and there is nothing portable to steal, so that their occupation is gone.

2393. (*Mr. Russell Gurney.*) They are not habitual offenders ?—No. The London thief is the worst man that we get, and I would sooner have any man than him; he will not work if he can help it; I mean the habitual thief.

2394. (*Chairman.*) But even in the case of the London thieves, when they are able-bodied men you find no difficulty, I presume, in disposing of them ?—We make them work, but they are very much disinclined to do it, and they are the most difficult class that we have to deal with.

2395. But under the system, if properly applied, they do not obtain their tickets of leave until they do work ?—Never, I think. The broad principle that was laid down while I was in the colony was simply this, that if a man would not or could not earn his bread as a ticket-of-leave holder he was to be sent back to the establishment; and I found that that always had the effect of enabling them to find immediate employment.

2396. I believe that during your government the system was adopted of giving to those ticket-of-leave holders, who could not find immediate employment, nothing but their food and clothes in return for their labour, no money at all ?—That was the case.

2397. Under the operation of that system they very soon found employment ?—Yes.

2398. While they received 6*d.* a day they hung about the depôts for a long time, did they not ?—Yes; while it was so the result was that

Captain A. E. Kennedy.

24 Feb. 1863.

in round numbers I found under the 6*d.* a day system from about 500 to 600 who were chargeable to the Imperial Government, and by abolishing the 6*d.* a day system first, and then subsequently refusing any men admittance to those depôts who could not satisfactorily show that he was unable to find labour, I found that that large number was wholly swept away and the charge extinguished.

2399. And now you have none but those who are incapable of earning a livelihood?—Yes, only those who are incapacitated for labour.

2400. I observe that in one of your dispatches you say that you think the system of giving conditional pardons is a mistake?—I think it is a great mistake.

2401. What are your objections to the system?—The first objection is, that a man, immediately he gets his conditional-pardon, is in the status of a free man; he is not subject to summary jurisdiction, he must be punished, through the intervention of a jury, for any serious offence. A conditional-pardon man and a ticket-of-leave man may be engaged in burglary or some serious crime; the conditional-pardon man must be tried by a jury, while the ticket-of-leave man may be summarily convicted by a magistrate, at very much less cost, and with much greater certainty of punishment than by the intervention of a jury—that is one objection. Another objection is, that immediately a conditional-pardon man gets his conditional pardon, he wanders where he likes, he very likely fixes himself upon some respectable ticket-of-leave man, and absolutely lives upon him as long as he pleases. You cannot control conditional-pardon men, and you cannot drive them away from the towns when they get their conditional pardon—they are concentrated, in fact, in the towns.

2402. You cannot enforce that separation which you think absolutely necessary?—No; and it is absolutely necessary to the success of the system.

2403. I suppose that, after some time, you would see no objection to somewhat relaxing the conditions of the ticket of leave in the case of well-conducted men?—No, if you still retained the power of certain and prompt punishment.

2404. For the whole time of their original sentence you would retain that power?—Yes.

2405. Do you think that that would be generally approved in the colony?—I have no doubt of it.

2406. You are aware that it would prevent those men from leaving the colony?—Yes, but I see no objection in that.

2407. Do you think that they could be absorbed?—Yes.

2408. Have you known instances in which men have behaved well while still ticket-of-leave holders, but who very speedily commit fresh offences when they obtain a conditional pardon?—It is undoubtedly the fact, so much so that there is no settler who would not prefer to have a ticket-of-leave man in his service to a conditional-pardon man, for in the one case, if a man offends, the employer can take him before a magistrate and have him promptly punished, but in the other case he must go long distances to have the offender tried at the quarter sessions.

2409. On the other hand, the conditions on which a man holds a ticket of leave do not discourage him if he behaves well?—Not in the least. The only restrictions are, that he is confined to a certain district, which is probably a very large area, and he is obliged to be in his own house at half-past 9 or 10 o'clock at night.

2410. Has much inconvenience arisen in Western Australia from the

inequality of the sexes, arising from male convicts only being transported?—Not a great deal, but the disparity is very considerable.

2411. That, I believe, has been partly prevented by sending out a certain number of free women to the colony?—Yes.

2412. Some of those free women have done very well there, have they not?—Very well indeed.

2413. I believe that you have preferred those who came from the Irish workhouses?—Yes, we have generally found those who came from Ireland most suitable to the condition and state of the colony, and they were, beyond all doubt, the best as to moral character.

2414. I believe they had been previously better trained for the hardships of bush life?—Yes.

2415. I presume you would have no objection to women taken from well-managed English workhouses?—I think that the ordeal of a workhouse is a very unsuitable one for colonial life; they are, I think, like home prisoners, they have been generally brought up without any habits of industry, and they have habits of idleness, and they do not get over the fact of having come from a workhouse, it militates against them, and respectable people do not like to take them into their employment.

2416. You think that it is objectionable to send female convicts to Western Australia?—I do not think it is desirable as long as you can get a sufficient number of free women to go there, and there is a strong feeling in the colony against female convicts. I think public opinion is pretty evenly divided on the point.

2417. Could they be sent out without forming an establishment for receiving those who misconducted themselves?—I think it would be quite impossible, and the expense would be very considerable.

2418. And the results very doubtful?—Yes; indeed I think it would be a failure.

2419. Do you think that a larger number of free women than have hitherto been sent out might be sent out?—Her Majesty's Government and the Emigration Commissioners have always sent out as many as we asked for, and it is a mere matter of opinion how many more should be introduced. I think it would be a great evil to induce a greater number of single women to go out than you could find employment for. If you do of course they will become prostitutes, and demoralize the community to a certain extent.

2420. Your opinion is that the Government ought, therefore, to watch the means of finding occupation for them as maid-servants, and in other ways, and take care to introduce into the colony only as many as could be so absorbed?—I think that that is the true and sensible plan to proceed upon.

2421. You think that by so doing any serious evils arising from the inequality of the sexes may be averted?—Yes.

2422. I suppose that those evils are not so great as they would be if a large male population were collected together, in consequence of their being dispersed, and being employed at hard work in the bush?—It does not lead to the same evil results as a congestion of criminals would. There are many occupations in the colony for which married men would be wholly disqualified; for instance, pastoral pursuits; a shepherd is sent out to a distance, say of 20 or 30 miles from any habitation, and he moves about every day, and no woman could live that migratory sort of life; these men come periodically into the settled districts, and spend their earnings; but no settler would hire a married man to serve him as shepherd.

2423. Even in the older Australian colonies, I believe that married

Captain A. E. Kennedy.

24 Feb. 1863.

men have much less facility for getting employment in the remoter districts than the unmarried men?—There is no doubt of it; when you are obliged to convey women and children through the bush, it causes great embarrassment.

2424. I see that in several of your despatches you mention that the uncertainty as to whether convicts will continue to be sent out to Western Australia has been a great difficulty in managing the system?—Yes, a difficulty in every way, and very discouraging to the colonists.

2425. And that a very considerably larger number might be sent out without any proportionate increase of expense?—No doubt of it.

2426. Also that a large expense for buildings and for the establishments for managing a very far larger number of convicts has been incurred, and that has to be divided among a comparatively small number?—That is the case.

2427. Will you be good enough to explain to the Commission what is the present position of the colony with regard to its means of military defence. What military force have you to call upon, in case of an outbreak on the part of the convicts?—I may commence by saying that there has never been an outbreak, there has never been the slightest trouble, with the exception of one case, and that was merely a religious squabble in the establishment between the Protestants and the Roman Catholics, owing to ill feeling and bad judgment, I believe, on the part of the clerical gentlemen on both sides. The whole of the military establishment, up to the period of my leaving the colony, consisted of one weak company of line troops and a company of Sappers and Miners, who were not employed in a military capacity at all.

2428. But they were, I presume, always available if wanted?—Yes. The Sappers and Miners have been withdrawn, and I understand that the line troops have also been withdrawn.

2429. Is that an advantage, in your opinion?—I do not think it is judicious; I am perfectly satisfied that it is not economical.

2430. In what respect is it not economical?—On account of the expense of the pensioner force being so much larger than that of the line.

2431. But then the pensioners become a permanent addition to the population of the colony?—Yes, when not on military service.

2432. I understand the principle is that they are retained for a time after they arrive on permanent pay, and afterwards they can be called out if they are wanted?—Yes.

2433. How long are they retained upon permanent pay after they arrive?—The custom is that a guard comes out on board a convict ship, and there are a certain number of pensioners employed at Fremantle as a convict guard in barracks; those men are retained until a like number arrive by another ship, and then a certain number go out, and provide for themselves.

2434. Are houses given to the latter?—To some of them.

2435. Where are they?—There are several villages, what are called pensioners' villages, and it is the only part of the world where I have ever seen pensioners thrive; they do well there and are very comfortable; as a body they are doing very well.

2436. These pensioners' villages have been established upon the same principle as was carried out formerly in New Zealand?—Yes.

2437. Have they answered as well in Western Australia?—Yes, and I think better.

2438. These men are within no great distance of Fremantle, I believe?—They are scattered; there are pensioners' villages at York;

which is 80 miles from Fremantle; but they are scattered all about the colony; I wished them to be located in different places.

2439. Those men could always be promptly called out under arms, if necessary ?—Not very promptly, because the intervening distances are so great.

2440. But there is a certain number of them, I presume, who are within reach of the harbour ?—Yes.

2441. You always have a sufficient number of them within reach of the harbour to make you pretty safe ?—Yes.

2442. And you feel no apprehension of an outbreak ?—None in the least, and never had any; there is no tendency to it on the part of the convicts, who are generally dispersed in the way I have described; it is only when they are massed together that they will become turbulent, but I think they are never so in small numbers.

2443. It has been stated, I believe, in confirmation of that, that when employed on road parties they have shown a very good feeling towards their officers ?—Very good indeed, and I know of one remarkable instance, in the case of a warder who it was supposed was almost the severest warder in the establishment, and a man who extracted more work out of his party than any other man did; there was a land slip, and that man was buried under the earth, and it is a fact that the men of his party immediately dug him out, showing a degree of alacrity that free men probably would not have shown, and they saved the warder's life thereby; nobody was present except the warder and the convicts.

2444. They exhibited great zeal in doing it ?—Yes, and great good feeling. I might add, upon the question of convicts and the crime that is very rife in other places—that of offering violence to warders—that there has been scarcely a case of that in Western Australia. There was one bad case of a man who was executed for his offence, and there was never a second case after that.

2445. I suppose that was at Fremantle ?—Yes.

2446. And no case of the kind has occurred since that ?—No serious case of the kind has occurred since; that was in the year 1856, and there has never been a case of the kind in the road parties.

2447. The men I understand very much prefer being employed in the road parties to being at Fremantle ?—Yes, they do, they have a greater swing, discipline is less severe, and there is less routine, they like that sort of free-and-easy life better.

2448. And such employment is also a road to a ticket of leave ?—Yes, and those men are sent out, as a general rule, who are the nearest to obtaining their tickets of leave.

2449. The object is to keep as few of them at Fremantle as possible ?—No doubt of it; I think that the great thing to be guarded against is to prevent them from being massed together in large numbers, for when that is the case mischief will ensue.

2450. The great advantage of a colony like Western Australia is that it affords the means of spreading the convicts very widely and of employing them upon labour which is very profitable ?—Yes, those are the great advantages that it affords.

2451. (*Lord Cranworth.*) What is the ordinary number of convicts that are kept at Fremantle ?—The numbers were reduced when I left the colony to 300 and odd.

2452. Are they kept separately ?—That depends altogether upon the length of their sentence; men going into the prison at first, if re-convicted men, are kept for some time in solitary confinement. Almost all those who come to Western Australia are men who have undergone a certain

Captain A. E. Kennedy.

24 Feb. 1863.

period of probation in England, and they are put in association there at once.

2453. Then the period of solitary confinement which they have undergone in England is taken into account; suppose, for example, the period was nine months, and they had passed six months of that time in England, they would have only three months in Fremantle?—Precisely.

2454. You have stated that they obtain marks for working well and for good conduct, 1, 2, 3, and 4, 4 being the highest number?—Yes.

2455. In deciding what mark a prisoner is to have each particular day, are you guided by the quantity of work he has done, or their apparent willingness to do the work, because one man may be stronger than another?—You cannot take the quantity of work as the guide, it must be according to a man's general conduct and willingness.

2456. It is not like task work?—No, you could not carry that out; for example, a navvy might be standing side by side with a banker's clerk, and those men could not work equally.

2457. You have spoken of the conditional-pardon men and the ticket-of-leave men, what are the conditions attached to the conditional pardon?—The only condition is that he is not to return to England; but during the unexpired portion of his sentence he may go anywhere else, for instance, he may come and live at Calais or Boulogne.

2458. Under what circumstance is it that convicts obtain a conditional pardon?—After a certain period of good conduct on ticket of leave, calculated in proportion to the original sentence.

2459. That proportion being settled in the colony?—No; that proportion is settled in this country, it is according to a regulated scale; the governor has no power to give a conditional pardon.

2460. (*Chairman.*) The system, I believe, is that the governor, according to certain rules, recommends to the Secretary of State?—He sends forward a list, and that list is approved or disapproved, as the case may be.

2461. (*Lord Cranworth.*) What are the conditions endorsed on the ticket of leave?—The conditions of the ticket of leave are simply that a man is restricted to a certain district which is a considerable area, and he is not to quit that district without the permission of the resident magistrate of the district, and he must not be out of his own house after 10 o'clock at night. With those restrictions he is as free as any other man there.

2462. But suppose he is guilty of any crime, an assault and robbery for instance, is he dealt with then differently from a free man?—He is brought before a magistrate in that case, or two magistrates, according to the nature of the crime over which they have jurisdiction, and those magistrates can sentence him to any term of imprisonment, not exceeding three years, without the intervention of a jury.

2463. (*Chairman.*) He may be remanded into custody for simple drunkenness, may he not?—Yes, and if he is dangerous he may be remanded to the establishment.

2464. In practice, for drunkenness a man is re-committed for a time, is he not?—Yes, I think that in any country where drunkenness is the prevailing crime that in every case a convict should be remanded to the establishment. A soldier may be convicted for being four times drunk in the year, and I think it is a higher crime in the convict. It is the origin of all their troubles.

2465. (*Mr. Childers.*) I think you stated that in 1829 the colony was founded, and that down to the year 1850 it had not made any material progress?—Very little.

2466. And that in 1850 every one who was able to get out of the colony left it?—Yes, great numbers did.

2467. During that time the whole of the other Australian colonies have advanced in prosperity?—No doubt of it.

2468. Can you give any special reason why Western Australia differed from all the other colonies?—I think it was very much owing to the poverty of the country, and the unattractive nature of the soil; those, I think, were the principal reasons.

2469. It is a poor country, and the soil is bad, and with reference to pastoral pursuits, there is a poisonous grass, is there not, growing over a large portion of it?—Not to any great extent, I think that evil has been exaggerated very much.

2470. But still it is not a good pastoral country?—You cannot get the same extent of good land in one block as in the eastern colonies.

2471. It is in fact a poor country, compared with New South Wales a very poor country?—I have never been to New South Wales, but it is decidedly inferior in point of attraction, and in that sense it is inferior to any other Australian colony.

2472. Do you happen to be in possession of the statistics as to the increase of stock and the exports of the country since 1850?—They will be shown by the census returns.

2473. Should I be wrong in saying that at the present time the exports of wool and other products of the colony are under 100,000*l.* a year?—In round numbers, the revenue of the colony was 34,000*l.* in 1855.

2474. The colony had not advanced a good deal from 1850?—Yes, very considerably; the revenue in 1860 increased from 34,000*l.* in five years to 60,000*l.* a year.

2475. I was asking you as to the products of the colony. Am I correct in saying that the value of the exported produce was under 100,000*l.*?—The exports in 1860 amounted to 105,000*l.*

2476. So that even now the exports of the colony are considerably under one per cent., a little over half per cent. of the whole Australian exports?—I cannot state that of my own knowledge, but I presume that you are right.

2477. With respect to the increase of stock, is it not the case that in consequence of the poverty of the country even now there are only between 200,000 and 250,000 sheep in the whole of Western Australia?—I possibly may be able to give you an idea of the capacity of the country, when I state the fact of a labouring man who went to the colony in 1850, who told me, a few months before I came away, that he had sold his clip of wool for 1,000*l.* in one year, and there are many others who have been very nearly as prosperous.

2478. The facts are that the exports are something over 105,000*l.* a year, and the whole number of sheep is between 200,000 and 250,000?—The exports in 1860 amounted to 105,000*l.*

2479. And the number of sheep between 200,000 and 250,000?—I think the number exceeds that. I know one gentleman who possesses 20,000 sheep, and I know another who has 18,000 sheep.

2480. Upon the whole, then, there is great difference between Western Australia and New South Wales that whereas the latter has been very productive, and the stock has increased rapidly, the exports of Western Australia, which is a very barren country, and its stock have increased very slowly, and its exports are still very small?—No doubt of it.

2481. You admit, on the question of founding a convict colony, that the cases of New South Wales and Western Australia are not analogous?—Yes, so far as that the land in the one is more productive than

Captain A. E. Kennedy.

24 Feb. 1863.

in the other, and the progress of one has been much more rapid than the other can be.

2482. Have you any idea of the number of convicts who were sent to New South Wales in the first 30 or 40 years of its foundation?—I do not know the number.

2483. Do you think from the facts within your knowledge as to Western Australia, that you could safely now send 1,000 per annum, and that that number might be steadily and gradually increased?—I do think so.

2484. You have stated that many convicts live in affluence, and that in your opinion a great many of them would not leave the colony if they had permission to do so?—I think so.

2485. On the other hand, you have spoken of the conditional-pardon men as men who live on the ticket-of-leave men?—Not as a body. I did not mean that. I merely mention that as one of the objections to granting conditional pardons, and meant to say that some of them do so.

2486. Many of them live upon the ticket-of-leave men and concentrate themselves in the towns?—Yes.

2487. Can you add to that any idea as to the proportion of conditionally-pardoned men who leave the colony?—That I cannot tell you with any degree of accuracy, because the conditional-pardon men are included generally with the expirees, and it is difficult to distinguish between the two, for when a man becomes an expiree, he is, to all intents and purposes, free, and we have no business to interfere with him.

2488. Do you remember a calculation that was made on the reports in 1860 of the Comptroller-General, as to the disposal of all the convicts in Western Australia, as compared with the census, which showed under what circumstances all those men in the colony had arrived?—I do not recollect the calculation, but I have no doubt that any calculation made by Colonel Henderson is correct.

2489. Should you be astonished to find that that showed, that whereas 2,583 convicts had become free by pardon, or servitude, the census only showed 1,173 as being in the colony?—No.

2490. In addition to 289 being shown as having died?—No, I should not be at all astonished.

2491. So that the result by that calculation in 1860, if correct, would be that three-fifths of the conditional-pardon men leave the country?—I think that a great many have left, and men will naturally, when they are perfectly free, go to places where they can find labour, and where they are best remunerated.

2492. 1,400 would have left according to that calculation?—I may remark that you have included conditional-pardon men, and men who have become free by servitude, and an expiree in England has a right to go where he pleases.

2493. As a fact, a majority of the conditional-pardon men and the expiree convicts leave the colony when they can do so?—Yes, and those who do leave simply leave in consequence of finding superior attractions elsewhere.

2494. During the last few years the practice in effect has been this, that a certain number of convicts have arrived in the colony, averaging about 400 a year; on the other hand, a certain number of conditional-pardon men and expirees have left the colony, averaging somewhere about 300 a year?—I cannot speak to the average.

2495. Is there not, then, some fear that if you increase the number of the prisoners whom you send to the colony, and abolish conditional

pardons, there may be a glut in the market, and very considerable evils arise ?—I think not.

2496. Do you remember Colonel Henderson's remarks upon that subject in any of his recent reports to you, from which I will read this : " I think it will be proper to bring under the notice of the Secretary " of State the great accumulation of men which a few years will bring " upon the hands of the convict department, if the practice of discharging them with conditional pardons is abolished. The whole body of " convicts will remain for a much longer period than now chargeable " to imperial funds in the event of sickness, or want of work ; they " will be prevented leaving the colony should opportunity offer, tending " to overstock the labour market, and above all, the great inducement " to good conduct." Do you differ from that ?—Yes, I do.

2497. I will turn to the previous year. I believe that Colonel Henderson was at home at that time, and that Captain Wray was acting comptroller ?—Yes.

2498. He says, " The strong feeling daily increasing in those colonies " against the reception of conditionally-pardoned convicts will at no " distant period, I imagine, lead to their exclusion by law, and by " nearly as great a number as now go there annually will the demand " of ticket-of-leave holders be diminished ; very few of these men are " employers of labour, and if prevented going to the other colonies " they must mostly remain here, and fill places which would in their " absence be filled by ticket-of-leave holders."—I think that that opinion is based on a fallacy.

2499. With regard to the former quotation, have you any reason to think that Colonel Henderson has modified that opinion ?—I should be sorry to answer for what Colonel Henderson's opinion is, although I have very great respect for it, but still I think that if he considered the matter in the point of view that I do, he would think as I do. I think that the very fact of giving those men conditional pardons prevents them from remaining in the colony, and they have great temptations to go elsewhere ; but if they were debarred from quitting the colony at that early period, I believe they would set themselves to work to make themselves independent, and so become the employers of labourers in the colony. I think that the granting of conditional pardons unsettles their habits altogether.

2500. Do you believe that the result of the conditional-pardon system is unfavourable to keeping the convicts in the colony as compared with the results of allowing sentences to be worked out ?—I have no doubt they would go naturally to places which they found more attractive.

2501. Can you give the Commission any information as to the average time before the expiration of a sentence when a convict receives a conditional pardon ?—In round numbers, a life man would become comparatively free in 12 years.

2502. Am I not right in saying that the life sentences are very few indeed of the whole number ?—No. On 31st December 1859 there were in the convict establishment 23 for 10 years, 82 for 14 years, 121 for 15 years, 58 for 20 years, 38 for 21 years, 1 for 25 years, 156 for life ; total, 483.

2503. But referring to the total number of persons who are at the same time under life sentences, the proportion, I believe, is not above a twentieth, or about that ?—I am not prepared to state the average.

2504. The sentences under which the average of the convicts are I believe is somewhere about seven or eight years ?—I think not.

2505. And the time after which a man, on account of very good

Captain A. E. Kennedy.

24 Feb. 1863.

conduct, becomes entitled to his conditional pardon, if he has been sentenced to eight years, is after six years, and if he has been sentenced to seven years, it is after five years and a quarter?—Yes.

2506. So that the effect of the conditional pardon, even in cases where the men have been the best conducted, is to diminish a year and three quarters, and from that to two years, of the entire sentence?—Yes.

2507. Were the conditional-pardon system given up it would only affect from a year and a half to two years of a man's sentence?—But there are many men who would quit the colony as they became expirees.

2508. Is an expiree as likely to levy black mail on a ticket-of-leave man as a conditional-pardon man?—I think not, because the conditional-pardon man, if he knew that he was not to be permitted to quit the colony before the expiration of his sentence, would have set himself about making a home for himself, if he had six or seven years to look forward to; but if he had only one to look forward to, he would live on the loose until the expiration of that time, and quit then.

2509. The average time is not the difference between seven years and one year, but rather one and a half or two years?—It is clear that a conditional pardon is granted to a man while there is an unexpired portion of his sentence to run, and if that man knew that he would not obtain that conditional pardon, but that his sentence must run out, I think it would induce the man more to settle himself.

2510. You think that, on the average, an addition of something under two years to the term of his being a ticket-of-leave man would be a sufficient inducement to make him a settler?—Yes.

2511. I think you stated that the best prisoners, so far as you have seen, are men who have not committed such offences as forgery, on the one hand, or unnatural crimes?—I think that the forgers are very good prisoners, but I think it is undesirable to send them to Australia.

2512. (*Mr. Waddington.*) On what ground do you think it undesirable, as a colonial question, or as an English question?—As both. I think it is a great boon, for example, to a man like Redpath, to obtain a ticket of leave, and to be able to live in the colony, where he has ample means to live upon, and where there is very little shame attaching to his status. I think that in England the punishment would be more severe. Then I think also that in a colonial point of view it sets a very bad example to hard-working convicts to see a man of that class living in a comparative state of affluence, while they are obliged to live by the sweat of their brow.

2513. (*Lord Naas.*) Are there many instances of that kind in the colony?—A great many; we have lawyers, a clergyman, and bankers' clerks.

2514. (*Mr. Childers.*) You would, of course, exclude men who had been guilty of unnatural offences, and you would exclude the educated criminal?—Yes.

2515. You would also, I think, exclude the London thief?—No; I have said that he is the worst man we have to deal with; but I would not exclude him if he could work.

2516. You would receive into the colony ordinary criminals, commencing at the rate of 1,000 per annum, going on steadily increasing every year?—Yes, I think so.

2517. How long do you think that process would last?—I think that the capacity of the country for absorbing them would go on steadily increasing as the resources of the country became developed. Many of these men would become the employers of labour, and the pro-

sperity of the colonists would be such that where a man now employs one man he would employ five, and there is an ample field for labour in the agricultural parts of the colony.

2518. Could you give the Commission any notion of the time during which you think the colony would be willing to continue such an increasing convict system ?—I think it would be until they could do without the convicts.

2519. How long do you think that would take ?—I cannot pretend to say that, but I think it would take a good many years ; from my knowledge of the colony and its capacity, I would venture to say it will take 15 years.

2520. At the end of those 15 years how many convicts annually do you think the colony would have been taking ?—That I cannot say; but I think the probable end of the matter there would be that the colonists would become sufficiently prosperous and powerful to say, we do not want any more convicts ; but at present they do want them very much.

2521. You think that they would begin by taking 1,000 annually, gradually increasing during 15 years, and that at the end of 15 years they would become so prosperous that they would decline to receive any more ?—Yes, I think that is more than probable.

2522. At that time I suppose there would be some 30,000 convicts in the colony ?—Not so many. It must be remembered that there is considerable mortality among men who have lived very hard lives.

2523. Still there would be a large body of criminals in the colony ? —No doubt of it. The whole population now does not number 16,000.

2524. There would be a population on that coast, say of 20,000 convicts, and there would be, of course, a very large proportion of the descendants of convicts. Have you any reason to believe that there would be also a large proportion of free people, and the descendants of free people?—I think there is no doubt of that.

2525. What has been the effect of transportation between 1850 and the time of your leaving the colony, in 1862, upon the original free population ?—I cannot say offhand, but the census will show that.

2526. Is it correct to say that in 1850 the population consisted of 5,886 souls ?—Yes.

2527. And that between 1850 and 1859, 5,169 convicts were received ?—Yes.

2528. Also that during that time there were sent out as Government emigrants, or as families of prisoners, 6,364 persons ?—Yes.

2529. Making a total of 17,419 persons ?—Yes.

2530. The census at the end gave 14,837 ?—Yes.

2531. So that there had been a diminution in the numbers of the free population of the colony, in spite of the excess of births over deaths, of 2,582 persons ?—I cannot say that those figures are correct—in general terms I daresay they are; but you must remember the very superior attractions at Melbourne and at Sydney, and that during this time many of those people went away, and a great portion of those who went away were people who had realised some little independence in the colony, and went to the other colonies to better themselves.

2532. Is it not the result of these figures, and is it not your experience, that since convicts have been introduced, not only that you had the state of things in 1850, when you said that everybody who could go went away, but that of those who could not go in 1850—free men—a large number had left since ?—There is a continual change going on.

2533. Judging from these figures, have you any very strong hope,

Captain A. E. Kennedy.

24 Feb. 1863.

considering the barrenness of the country and its poverty, that a large free population would arise in Western Australia?—I have.

2534. Do you remember whether any opinion upon that point has been given by the colonists themselves?—I am not prepared to say that I remember it.

2535. Do you remember the memorial of the colonists in 1860 with regard to emigration?—I remember that there was one petition.

2536. Do you recollect the papers that were printed?—I remember reading them.

2537. I will read this passage: "By admitting convict labour, we "have allowed our free mechanics, artisans, and labourers to be gradually "driven out of the field; and our labouring population may now be "stated to be of a far inferior description to that which originally "existed here." Is that true?—I think not. I dissent from that wholly.

2538. Was not that the view taken by the people of Western Australia?—Not generally, I think; I attach no importance to that document.

2539. Was not that the view entertained by the Legislative Council?—I do not believe it was.

2540. But still, taking that as representing the sentiments of the colonists in connexion with the figures I have given you, do you look forward to any prospect of a large free emigration?—I do not—that is of persons going there at their own cost; but the practice has hitherto been that Her Majesty has sent out free people to the colony without charge.

2541. In order to keep up the colony at all, during 15 years the Government will have to send out free people, to balance the convict population?—Yes, at present; but I think that that is necessitated simply on account of the uncertainty which exists in Western Australia as to the continuance and extent of transportation.

2542. Has not the Emigration Department encountered the greatest difficulty in finding free people willing to go to the colony, with the exception of poor girls taken out of workhouses?—No. I know of my own knowledge that a system has been adopted, latterly, of sending home lists of the friends and relatives of those who are already resident in the colony, in order that they should come out, and the Emigration Commissioners have sent them out in preference to others.

2543. Were not those in a great majority of instances the friends and immediate relatives of convicts?—Certainly not.

2544. Should you be surprised if that was contradicted?—I should be very much surprised, as the lists are on record at the Emigration Office of the persons who have been applied for. The object was not to exclude the other class, but I am satisfied that a great majority of these persons were the friends and the relatives of persons who went out to the colony as free men and as free women.

2545. Then so far you are of opinion that during the next 15 years, if a second Botany Bay is established on the western coast of Australia the experience of the last 10 years will be contradicted, and that we shall be able to supply a large free population to counterbalance the convict population?—I do not think that that is quite the way in which to put the question, because during the last 10 years really the question has been in such a state of uncertainty that no man of sense or capital would invest his money there; if I were going to invest money in land I would not do so in Western Australia, unless I knew what was to be done as to the convict question; and that uncertainty I know has militated much against the prosperity of the colony. If you look to the number of acres of land which have been purchased

in fee simple within the last three years, it is something very remarkable that the greater number of those acres have been purchased in small blocks by *bonâ fide* labouring men.

2546. Do you conceive that the proportion of the cultivated land compared with the population of the colony has increased, at all approaching to the same proportion in free colonies ?—I know that it has not, but that has arisen from the scarcity of labour.

2547. At the end of 15 years we shall have to solve the question again ?—That I cannot profess to answer, for my opinion would not be worth much upon that point.

2548. After a certain time you consider that the colony will refuse any longer to receive convicts ?—I think, judging from what has been done in other colonies, that they will at some period do so.

2549. In fact, at the present time, is the main reason for which the colony consents to take convicts the value of their labour ?—I think that that is one of the main considerations.

2550. Do you know whether that is the opinion of Colonel Henderson ?—I am not prepared to say.

2551. Do you remember forwarding his report in the year 1860 ?—I have forwarded them all, and I read them carefully at the time, but I have not looked at the books for a very considerable period.

2552. I will read to you some sentences, and ask you whether you concur with them : "But it is altogether an error to suppose (as stated "by the superintendent) that all that the colony requires, and all that "it has benefited by, is a supply of labour; this is certainly one of the "elements of benefit derived from the presence of convicts; the facilities "and advantages derived by the colonists, and the increased value of "their farms and business, even from the limited amount of public works "which have been possible, are too patent to require exemplification. "The market created and the capital introduced by the imperial expen-"diture are what the colony never had, and labour far cheaper than that "of convicts would never have supplied the want. I am inclined to "believe that colonies which are only in want of labour are not likely to "receive convicts. Want of labour presumes the presence of capital and "a market—this colony had neither." The second sentence is "The "market created and the capital introduced by the imperial expenditure "are what the colony never had, and labour far cheaper than that of "convicts would never have supplied the want." Do you concur with him in that ?—To some extent I do. It is true that in 1850 a colonist could not get 2*s.* 6*d.* for his sheep, as there was nobody to buy it, nor to eat it, but in 1855 he got £1 for it, and in the same proportion as to his other produce.

2553. Do you agree with this : "The market created and the capital "introduced by the imperial expenditure are what the colony never had, "and labour far cheaper than that of convicts would never have supplied "the want" ?—I think that is a very main consideration with them. It is not likely that colonists would ask for convicts if there were no benefit to be obtained from them.

2554. Do you remember a statement that was made by the colonists themselves, "The evil of admitting numbers of the worst class of "society among us was well understood at the time, but it was agreed to "upon the faith of the Government that it should be carried on upon a "sufficient scale to make the annual expenditure of importance to the "colony" ?—That was the understanding.

2555. Do you concur in those two statements that the main reason for receiving convicts was the imperial expenditure ?—Not the main, but I think it was an important reason.

Captain A. E. Kennedy.

24 Feb. 1863.

2556. Supposing from any cause the imperial expenditure was soon to become much less, would the convicts be as welcome as they are now?—I am perfectly satisfied that they would not.

2557. So that we are expending a large sum of money in a very barren colony, where the land is bad and the attractions to colonization are small, and if we ceased to expend that money the end would be that the colony would cease to be willing to take our convicts?—No; I think that you are expending money to get rid of people who are dangerous in this country, but who are not dangerous there; in other words, you are expending money to get rid of a class of men who are very dangerous in this country, and you are sending them to a place where there is no danger to be apprehended from them, and at no greater cost than you would maintain them in England for.

2558. Still the expenditure of the money in the colony is an attraction to the colony?—It is one of the attractions.

2559. With respect to the ultimate disposal of the convicts, I think you said that many of them become, comparatively for their station, very wealthy men?—Yes, they do.

2560. We have been told that more than one half of the conditional-pardon men and expiree convicts leave the colony; of those who become wealthy, do many leave it?—Yes, some of them do, but I think that "wealthy" is not the proper word; they are men who are well to do, independent, but there are very few wealthy men.

2561. Have you heard of men who have obtained several thousand pounds?—Yes.

2562. Where do those men go when they leave the colony?—Some of them return to England.

2563. Any considerable number of them?—I think so.

2564. After their return to England, have you any information to communicate to the Commission with respect to their practices at home?—Not the least.

2565. Have you ever heard of men who, having acquired a large sum of money in the colony, and having come back to England, have been guilty of crimes again?—I have never heard of such a case.

2566. Do you think, therefore, that when men of that class obtain considerable means, they have generally done so honestly, and are not likely to fall into bad practices?—I think that the fact of their having obtained means is a sort of guarantee for their general good conduct; when they have made a little money they have something to lose.

2567. You do not think that in any cases they become receivers of stolen goods?—No, because they have a stake; those who have acquired a little means are invariably circumspect in their conduct, I do not say reformed, because they have a stake.

2568. Had you, as governor, any statistics showing the number of expiree convicts who returned to England?—None, I think.

2569. Anything that you know upon the subject is simply by accident?—Simply; there is no record kept of them.

2570. (*Sir J. Pakington.*) How many more than 1,000 per annum do you think could be sent out prospectively to Western Australia?—I think that with 1,000 men per annum, assuming that there was a proper and judicious application of convict labour, that is, of probation labour, for the purpose of opening up the country by building bridges and making roads, and above all, in clearing the land, which I think would be a very useful mode of employing probationary prisoners, and then to put those lands up to auction for purchase by emigrants—I think by that means every successful colonist, whom you could establish on his own foundation, would possibly become the employer of three or

four men. I think that the number sent out and the number absorbed might increase in ratio equal to the number whom you could set going on their own foundations.

2571. During the last few years, and while you were Governor of Western Australia, did you send home representations to the Home Office that the colony desired to have a larger number of convicts than were sent out?—Repeatedly to the Colonial Office.

2572. Were those representations so made by you not attended to?—The convicts did not come.

2573. The working of the convict system, I presume, entirely depends upon the manner in which the officer of the party discharges his duty?—Quite so.

2574. There is only one officer, I believe, attached to each party?—Generally speaking that is so.

2575. Has the officer any inducement to make the most favourable report of his party?—I think the tendency generally is to do so.

2576. Is not that calculated to produce any bad effects?—Not to any great extent.

2577. Is the officer controlled in the discharge of his duty by periodical visits being made by a superior officer?—Always.

2578. How often are those visits made?—Not less than once a week.

2579. Does that officer merely inspect the written reports of the subordinate, or does he exercise supervision over the working party?—He merely visits and passes on, he cannot have any opportunity of observing generally, but an experienced officer can always form a pretty accurate opinion.

2580. Does he examine the amount of work that has been done by the party since his last visit?—Certainly.

2581. I believe the parties vary in number from 20 to 50?—Yes.

2582. How are they lodged?—They are hutted; sometimes they are under canvass, but not often; it depends upon the extent of the work which they have undertaken to do. If it is work that is likely to last for twelve months, their hutting of course is of a more substantial kind, and if it is not likely to continue for more than two or three months they are probably put under canvass.

2583. I understand from you that the period of time which is passed by the convicts in these road parties corresponds with the period of time which, under a sentence of penal servitude, is passed on the public works in England?—Yes, just so.

2584. Is the time so devoted to labour in these road parties the same in duration according to the whole amount of a sentence as the period that is passed on public works in England?—It is similar; these men are probationary prisoners, only employed in detached parties.

2585. Does the time occupied in that labour correspond, according to the length of the sentence originally passed, with the time that is passed under a sentence of penal servitude on public works in this country?—It is so.

2586. Can a labourer in a road party in the colony earn a greater amount of remission than a labourer on the public works in England can earn by good conduct?—I am not prepared to state that, but I know that in Western Australia by the system of marks a man whose conduct is exemplary can gain four marks a day, and if he keeps up those four marks continuously, without incurring any fine and without any falling off, he can curtail his sentence by one fourth, whatever that sentence may be.

2587. (*Mr. Russell Gurney.*) Would it not be one third?—No, one fourth is the maximum proportion of which he can curtail it.

Captain A. E. Kennedy.

24 Feb. 1863.

2588. (*Sir J. Pakington.*) And in that most favourable case he earns his claim to a ticket of leave?—Yes.

2589. I understand the practice to be, that those few convicts who have of late years been sent out to Western Australia have not been sent out until a considerable proportion of their second period of punishment has elapsed?—That has been the case.

2590. Then what portion of the convicts is it that are detained, as I understand you to say, at Fremantle?—Those at Fremantle are generally those who have got the longest period to run—that is, who are the furthest from obtaining their ticket of leave.

2591. Why are they detained at Fremantle?—There is no absolute necessity for it, but there is prison accommodation for them there and work for them to do; they are not in separate confinement but in association.

2592. I suppose they are employed on the public works at Fremantle instead of being sent out on the road parties?—Precisely.

2593. You have stated that under the ticket-of-leave system the men are confined to the limits of a certain district and not allowed to be out of their houses after 10 o'clock at night?—Yes.

2594. (*Mr. Childers.*) The time within which a man can obtain his ticket of leave is shortened by his getting extra marks?—Yes.

2595. (*Sir J. Pakington.*) Is there or not a minimum time within which he cannot earn a ticket of leave?—Yes, there is.

2596. (*Mr. Waddington.*) Does the period of probation that a man has to serve in the colony depend upon the time that he has before served in England?—Entirely.

2597. (*Sir J. Pakington.*) How are those conditions enforced with respect to a man being limited to a certain area or district, and not being allowed to be out of his house after 10 o'clock at night?—By the police.

2598. Did you not state that the districts were very large?—Yes, but there is little inducement to wander from certain spots; it is generally a sparse population and a large district, and they are obliged to report themselves periodically to a magistrate or to the police.

2599. They are compelled to do so?—Yes, they must do so monthly.

2600. If a man does not make his monthly report, I suppose he is inquired for?—Yes, and if a man is met out of his district the police are bound to apprehend him.

2601. Is a man always compelled to have his ticket of leave?—Yes, and to produce it when required.

2602. What are the conditions endorsed upon the ticket of leave?—Those conditions which I mentioned about general conduct, and so forth.

2603. You stated in answer to Mr. Childers just now that a considerable number of expirees, amounting to several hundreds, had left the colony?—No doubt of it.

2604. Do you know about how many left?—I can give no accurate statement, but I know of some, indeed several, within my own knowledge. I had a ticket-of-leave man as a cook, who waited until he was an expiree, and he came home in one of the passenger ships, and I know of many others who came home.

2605. Referring to the hundreds of whom you spoke, is it within your knowledge whether any considerable proportion of those men returned to England?—I think that a very considerable proportion of expirees did.

2606. Do you think it is possible that they could have gone directly overland into the other colonies?—I consider it wholly impossible.

2607. Whether they went to other colonies or returned to England,

they must have left Western Australia by sea?—Certainly, for there are no means of getting away by land.

2608. Referring to those who are not expirees, but either under ticket of leave or coercion, you believe that none of them can escape so as to find their way into the other Australian colonies?—I consider it quite impossible. I saw it stated in evidence before another Committee or Commission by a gentleman that he had himself seen 70 convicts in one ship arriving from Western Australia at one of the other colonies. The gentleman must have been labouring under a misapprehension, for I do not believe that there were ever 70 persons as passengers who left in one ship since the colony was founded. There are only 42 who have been unaccounted for extending over a period of 12 years, and 21 of those went away in American whale ships.

2609. Judging from your seven years' experience in the colony, do you, without entering into the question of what number may be sent hereafter to the colony, approve of the system which was during your government in operation for the management of the convicts who were there, or would you suggest that it ought to be rendered in any way more penal, or would you make the periods of the several gradations of punishment longer than they are now?—I think that lengthened imprisonment is the greatest mistake that ever was committed as to convicts. I have no doubt that lengthened imprisonment unfits a man for a life of labour afterwards; I am perfectly satisfied that after a certain period it ceases altogether to have the desired effect, and a man becomes a sort of routine creature, like a soldier, and goes about his daily business as a convict, without feeling any irksomeness whatever. I think also that it stands to reason that associating a man for six or seven years with hundreds of others who are infinitely worse than himself is not the way to reform him.

2610. What imprisonment does your answer refer to?—It refers to all lengthened imprisonment.

2611. My question rather was whether you approved of the system that is now working in Western Australia, or whether you would alter the periods; for instance, the periods passed in the road parties, or any part of the punishment?—I think that road labour fits them for a life of industry afterwards, and I think it is undesirable to keep them for any lengthened period in prison. I think that keeping them for five or six years in England before they are sent out to Australia is not only useless but mischievous. I think that it does the men more harm than good.

2612. While you were Governor of Western Australia did many convicts arrive under life sentences?—Many. There were 156 in prison on 31st December 1859.

2613. How long were they retained under coercion in the road parties?—Whatever was the balance, according to the scale laid down, of their sentence.

2614. Have you seen no reason to regret their being set at liberty as soon as they were eligible?—None whatever.

2615. (*Lord Naas.*) Should you be in favour of attaching a longer period of ticket of leave to the sentences?—I should. I think that keeping him on the ticket of leave is the way to reform a convict; you give him a certain amount of liberty, and if he abuses that you can pounce upon him in a moment. These men require management as school boys do.

2616. You would be in favour of a shorter term of imprisonment with a longer period of ticket of leave?—Yes, in the colony.

Captain A. E. Kennedy.

24 Feb. 1863.

2617. You wish the conditional pardon to be abolished?—Yes; I think it is a great mistake.

2618. (*Mr. Waddington.*) You have stated that the period of probation may be materially abated, as much as one fourth, by exemplary conduct?—Yes.

2619. Have you known any instances in which it has been carried rather further in life sentences?—Yes.

2620. Has it not had the effect of materially reducing the period of probation?—I think too much so.

2621. Do you consider the case of Redpath one of those instances?—Yes.

2622. His conduct, I believe, was exemplary, and he obtained his four marks, which reduced the period of his probation very materially?—Yes.

2623. Do you happen to know how he was employed?—Generally in clerical labour—no hard labour whatever. In a large establishment there is always a certain number of men who are required for clerical purposes, such as keeping accounts, and returns, and lists, and these men are generally employed in preference to employing free men, and therefore it is a saving of expense to the public.

2624. During his probation, by performing this clerical labour, and by industry and intelligence, he would obtain those marks just as if he was employed at manual labour?—Yes.

2625. That is without any labour at all?—Yes.

2626. Do you consider that a desirable system to continue?—I think it is not desirable.

2627. You have been asked with reference to applying for more convicts and not receiving them. I believe that you would not wish to receive convicts under short sentences?—It would not answer colonial purposes.

2628. It would be useless to send out persons whose sentences would expire within four or five years?—I think it would not be of much advantage to the colony.

2629. What is the shortest length of sentence that you think ought to be remaining when a convict has arrived in the colony, to make it advantageous to the colony?—I think a seven years' man. There have been instances in which men have been sent out there and have been liberated at once on going out of the ship on a ticket of leave. That was in former days.

2630. You would prefer a much longer sentence?—Yes, no doubt of it; clearly long-sentenced men. Some people associate the idea of a great criminal with the length of a sentence, but my experience has been that those long-sentenced men are the most easily managed, and are by no means the greatest criminals.

2631. Many of the long-sentenced men, who have committed manslaughter or rape, would not therefore be criminal in their general character?—Clearly not.

2632. With respect to the management of these ticket-of-leave men, you have a special law which makes their offences cognizable in a summary way by the magistrates?—Yes.

2633. And these ticket-of-leave men are frequently sent back to prison, are they not, under sentences as so pronounced?—Yes, very frequently.

2634. How are they treated there? Are they put into separate confinement again?—Every man who is sent back for any fresh offence is immediately put into separate confinement.

2635. How long would he be kept there ?—That would of course depend upon the duration of his sentence.

2636. But for what proportion of his sentence would he be kept in separate confinement ?—I think the maximum time for which they are ever kept in separate confinement after a re-conviction is nine months in the colony, upon a magistrate's conviction.

2637. (*Lord Cranworth.*) They are never so treated in England ?—I think it is a pity they are not so.

2638. You never have people in separate confinement in Western Australia as a punishment for crimes which they have committed in England ?—No, only those who are re-convicted in the colony.

2639. (*Mr. Weddington.*) If a man's ticket of leave were revoked for general misconduct without a re-conviction, you would not subject him to separate confinement ?—Certainly not. The ticket of leave is practically never revoked except for misconduct.

2640. You mean to say that in almost all cases in which a ticket of leave is revoked, the holder of it is taken before a magistrate and punished ?—Almost invariably, except in some special cases when the police may be in formal communication with the executive, saying that they know such a man is the associate of thieves, that he is dangerous, and it is desirable that he should be put out of the way. That man is sent back for the remainder of his probation, without any trial at all.

2641. Would he be taken before a magistrate in that case ?—Not in that case, but these are exceptional cases.

2642. What would be the process in a case of mere drunkenness—would a man be reported by the police ?—He would be brought before a magistrate always for drunkenness.

2643. Then the cases in which he would be reported by the police would be where there was a general charge of misconduct, without any particular facts to establish it ?—Yes.

2644. What would be done to a man for a single case of drunkenness ?—Up to a certain period—till about two or three years before I left the colony—I found it was the habit to fine these men 5*s.* for drunkenness ; but I found that the abuse of that was very great. For example : one man might have 5*l.* in his pocket, and to him it was nothing to pay 5*s.* ; but to a man without anything in his pocket it was a severe punishment, because he was sent to prison in default. Drunkenness was so much on the increase, that somewhere over 50 per cent. of the crimes committed in the colony are from drunkenness ; and under these circumstances there was a direction issued to the magistrates, that in all cases of drunkenness on the part of ticket-of-leave men, they should be immediately sent back to the convict establishment for a shorter or longer period, as the case might be.

2645. (*Chairman.*) But not in separate confinement ?—No.

2646. (*Mr. Walpole.*) Who judged of the period for which he was to be sent back—the magistrate ?—No ; he simply had to send the man back as unfit to be at large.

2647. He did not send him back for any specific period ?—No.

2648. (*Mr. Waddington.*) Suppose there had been a very short period of his original sentence remaining, the magistrate would then have sentenced him ?—Yes.

2649. What would be the longest sentence for drunkenness ?—I should say never more than a month.

2650. If the remainder of his sentence exceeded a month, the magistrate would then send him back to prison ?—Yes ; but the great object in my humble opinion to be aimed at is, the prevention of drunkenness among convicts. If you stop that you will have no trouble ; but every

Captain A. E. Kennedy.

24 Feb. 1863.

facility that is afforded for drunkenness, or every act of drunkenness that goes unpunished, creates a great extent of evil.

2651. Are not the ticket-of-leave men almost all in the employment of private individuals?—Yes, the whole of them.

2652. Do their masters frequently complain of their conduct?—I do not think they do.

2653. The complaints are generally made by the police?—Yes, but the men are those who are temporarily out of employment.

2654. Those who are employed are very seldom complained of by anybody?—No.

2655. With regard to the conditionally-pardoned men, you stated that their condition made them very difficult to manage, are they allowed to serve on juries?—There was a long correspondence on that subject with the home authorities, and it was ruled that they could not be excluded. These men had got their conditional pardons, and the only condition was that they should not return to England, and the practical effect of that is, that these men are eligible to sit on juries in judgment upon the lives and property of free men. In practice the sheriff does not suffer them to do so, but it is open to very grave objections.

2656. Expirees are in every respect eligible?—Yes; but I think, in the case of a conditionally-pardoned man, a man with an unexpired portion of his sentence, perhaps for forgery, robbery, or perjury, to let that man sit in judgment on his fellow men, having been guilty of a crime of that sort, is very monstrous.

2657. (*Mr. Walpole.*) But the sheriff prevents that practically?—Yes, but still it is open to very grave objections. I think that those men ought to be excluded from juries by law.

2658. (*Mr. Waddington.*) You would put them under other restrictions and not allow them to leave the colony?—I would abolish conditional pardons altogether.

2659. Do you think they should be made ticket-of-leave men until the expiration of their sentences?—Yes, I think that practically the conditions might be relaxed, but still the great object ought to be to ensure the certainty and promptitude of punishment; unless you retain that power over convicts everything goes to pieces.

2660. You would wish to keep them to the end of their sentences under summary jurisdiction?—Yes.

2661. Would you extend that to life sentences?—To all, assuming that the life sentence is proportionate to the crime.

2662. And leaving it to the discretion of the Government to mitigate the sentence?—Yes.

2663. (*Mr. Russell Gurney.*) A question was put to you in which a calculation, as to the number of those who had been supposed to leave the colony, was founded on the difference between those who had come and the number as it appears from the census. Do you think that the census can be perfectly relied upon?—No.

2664. At any rate, all who appear in the census are in the colony?—Yes.

2665. May there not be a good many more?—Yes.

2666. (*Mr. Childers.*) I think you stated that you thought the period on probation should be longer than at present, not in proportion to the sentence, but that the convicts sent out should be those who would be liable to a longer period on probation?—What I meant was this, I think that those who are sent out to the colony ought not to be sent out to be liberated there soon. I think that they ought to serve a longer period in the colony before they get their ticket of leave.

Captain A. E. Kennedy.

24 Feb. 1863.

2667. I think you recommended, at the end of 1860, that that period should not be less than four years ?—I daresay I did.

2668. If that rule was carried out what would be the minimum sentence for which a man should be transported at all ?—I presume that it would be about seven years.

2669. A man to be four years on probation must have had a sentence of eight years ?—Yes.

2670. You wish that men should not be sent out with less than an eight years' sentence ?—I think not. To get rid of the dangerous classes I think is the object in having a place for transportation at all.

2671. If you say that a man should not be sent to the colony with less than four years' probation or less than eight years' sentence, do you think, with reference to the criminal statistics of the United Kingdom, that there is any prospect of getting 1,000 annually and increasing above 1,000 for many years to come ?—That I am not prepared to say. The only object that I had in stating that number was to state a number which I thought would absorb all the dangerous criminals in England, and these men in Australia are by no means dangerous.

2672. I think you said that you were much surprised at so many as 70 conditionally-pardoned men leaving Western Australia for South Australia at one time ?—Yes.

2673. You would not be surprised perhaps to hear of 150 men leaving, in one year, Fremantle for Adelaide alone ?—That may have been the case for a whole year, but the 70 were supposed to be in one ship.

2674. (*Mr. Henley.*) Are we to understand that the power of the Crown to grant conditional pardons is to be wholly restrained ?—Not restrained, but I think that the granting of conditional pardons is so great a mistake that it should not be exercised.

The witness withdrew.

Captain E. F. DuCane, R.E.

Captain E. F. Du Cane, R.E., examined.

2675. (*Chairman.*) I believe you have been employed in the management of convicts from the commencement of the convict system in Western Australia ?—Yes.

2676. You are an officer of engineers ?—Yes.

2677. You were under Colonel Henderson in charge of the convicts in Western Australia ?—I had no charge in connexion with the convicts, but merely over the works.

2678. You were in command of a party of Sappers and Miners in charge of the works ?—Yes.

2679. In that capacity you had the practical direction of the labour of the convicts ?—Yes, or rather the labour of the ticket-of-leave men.

2680. You are, I believe, cognizant of all the operations in building the convict prison ?—I was not at Fremantle when the prison was being built, I was in charge of the works executed by the ticket-of-leave men in several depôts in a large district; I knew what went on at Fremantle.

2681. The prison, I believe, was built entirely by convicts ?—Yes and the Sappers.

2682. It is now a very perfect prison, is it not ?—Yes, just as perfect as an English prison.

2683. With very good accommodation for the convicts, and with separate cells for the night ?—Yes, cells for 600 or 700 men, and other accommodation sufficient for upwards of 1,000 altogether.

2684. And besides that there are separate cells for refractory men ?—Yes.

Captain C. F. DuCane, R.E.

24 Feb. 1863.

2685. There is a sufficient amount of prison buildings for the reception of a very much larger number of convicts than have been sent to the colony?—Yes, there is room for about 2,000 men, including the different ticket-of-leave depôts.

2686. Those buildings are very good and substantial and not likely to require much repair in future years?—They are strong and substantially built of stone and very durable timber.

2687. You also have had charge of parties at a distance?—Yes of ticket-of-leave men in the different districts, those who were not hired out were kept in depôts and employed on public works.

2688. At an early period the colonists were but little able to employ the ticket-of-leave men?—No, they had no money.

2689. During the time you were there, there was a great change in that respect, was there not?—Yes, they got gradually better, and when I left there were very few men in the depôts at all.

2690. At the beginning there was a deficiency of capital and of means for employing the ticket-of-leave men?—Yes, certainly.

2691. But they have gone on gradually improving in that respect from that time down to this?—Yes.

2692. Can you give any opinion as to the extent to which that development of the labour market will go?—I think it is almost impossible to say to what extent, but I think there is no doubt that the colony could absorb the labour of all the convicts that England can send after a little time.

2693. When you say all the convicts that England can send, how many per annum do you calculate upon?—I suppose that the colony could absorb at present 1,000 a year, and that they will gradually get on until they absorb very many more. I suppose that there are not more than 4,000 or 5,000 a year to send.

2694. What are the means of employment that you think are likely to be found?—Agricultural operations, timber cutting, and mining, and there are other operations that they might start, but which they have not developed very much; for instance, whaling; the Americans have a great number of whalers on this coast, the English none.

2695. With regard to timber cutting, that is likely, is it not, to become a trade of considerable importance?—It ought to be.

2696. That has hitherto been very much checked for want of labour?—Yes, partly from that and because the people have not had any capital to start it with and bring it into proper notice; the qualities of the timber are not very extensively known, and it requires somebody with capital and enterprise who will speculate.

2697. There is now, I believe, a very great demand for timber in India for railway sleepers?—Yes, the timber to which I refer is precisely suited for that, it is called Jarrah.

2698. Is that the native term?—Yes, it is a *Eucalyptus*.

pp. No. 19.

2699. It is a timber peculiarly adapted for railway sleepers?—It is peculiarly well adapted for sleepers in India, as it would not be touched by the white ant; some of it has lately been sent home by the Engineers' Department in Western Australia, and analyzed by the chemist of the War Department, and he found that it contained some matter that is poisonous, and it affects animals as large as mice, and to that circumstance he attributes its freedom from attacks by insects.

2700. Owing to that circumstance, it would be very durable for countries that were infested with the white ant?—Yes, it is so; white ants prevail in Western Australia as much as in India, but they do not attack this wood.

2701. It is used in Western Australia?—Yes; they use nothing but

this timber there for any permanent building. It also withstands the sea-worm, which makes it extremely valuable for works in sea-water.

2702. You are acquainted with the qualities of timber, and you think that that is a very fine timber ?—A very valuable one.

2703. Is it strong ?—Yes, it is strong; a little stronger than fir, and has that peculiar quality.

2704. Is it easily worked ?—It is hard. There is a very large quantity of it; the whole country is covered with it. There are different districts in which it flourishes more than in others, but I do not think there is any practical limit to the amount of it.

2705. There is not much to the north, I believe ?—They have to get all their timber from the southern districts, it is principally cut and shipped at the Vasse.

2706. About half way down the coast ?—Yes, half way from Swan River to Cape Leeuwin.

2707. It is your opinion that that trade is likely to be very largely extended ?—I think so from what I see of the demand for it in India. I think it will answer all their purposes, and create a great trade.

2708. Of course the persons engaged in procuring the timber will afford a market for agricultural produce ?—Yes.

2709. What was your opinion of the general conduct of the convicts on ticket of leave when you were in the colony ?—It appeared to me to be very good; I was sitting magistrate in one district, and also visiting magistrate at three of the depôts, and I do not think there was anything at all large in the amount of the crime, or bad in its character.

2710. Do you think that the presence of convicts in the colony is exercising any injurious moral influence upon the free settlers ?—I do not think so. I believe it is found that the convictions for drunkenness are more numerous in proportion amongst the free settlers than amongst the convict population.

2711. In point of fact, the consumption of spirits and liquor is nearly as large in the older Australian colonies as in Western Australia ?—I cannot say that, but I know that the free settlers are just as much in the habit of drinking as the new comers.

2712. Have you any knowledge of the northern districts of the colony ?—I have been there on a tour.

2713. (*Lord Cranworth.*) Practically, you consider that the supply of this Jarrah timber is unlimited ?—Yes.

2714. (*Lord Naas.*) How do they get it down to the coast ?—They must make railways. They have made one short tramway now from the present timber station at the Vasse to the port of shipment, which is a few hundred yards long, and if the trade was extended they must extend their tramway.

2715. (*Lord Cranworth.*) Has any timber been sent to other places than to India ?—I think that a small quantity has been sent to England, and some of it to the other Australian colonies, and to the Mauritius. There are many other places where this timber might be introduced with great advantage. At the Mauritius and at Saint Helena we are now paying 8*s.* to 10*s.* per cubic foot for teak which does not perfectly resist the white ant, but which is the best timber they know. The Jarrah has been sent to Mauritius for 2*s.* 5*d.* per cubic foot; artillery carriages for India, too, are made of teak, and some that have been quite eaten through have lately been sent home to show how that timber is destroyed.

2716. As to that which has already been cut down and shipped, have the convicts performed the labour ?—They have been chiefly the

Captain E. F. DuCane, R. E.

24 Feb. 1863.

labourers, but not as convicts. They have been employed as ticket-of-leave men.

2717. (*Mr. Bouverie.*) Working for wages?—Yes.

2718. (*Sir J. Pakington.*) I understood you to express an opinion that, for the purpose of making the necessary roads for conveying this timber, you think there is a large field for convict labour?—Yes, for roads for that and other purposes.

2719. Do the trees grow to a very large size, and are they heavy and difficult to cut down?—There are some of that kind, but this particular timber does not grow to a very large size. You can get a log of about 20 or 30 feet long and a couple of feet through easily; but there are trees much larger, that go up to 120 or 130 feet high up to the first branch, and 13 feet through.

2720. Are they valuable trees?—They are just as valuable as timber as any other, but they are difficult to get at.

2721. Probably they are free from that peculiarity which you have mentioned?—I am not sure about that.

2722. (*Mr. Russell Gurney.*) What are the mines to which you have referred?—Copper and lead, up in the north part of the colony, by Champion Bay.

2723. (*Mr. Waddington.*) Is there any coal in the colony?—They have found some, but they have not worked it.

2724. (*Sir J. Pakington.*) Are the mines worked?—Yes, but there is a difficulty there, for they have not good roads to bring the ore down to the port.

2725. Are the mines worked by convict labour?—They are worked by ticket-of-leave men and others.

2726. (*Lord Cranworth.*) What distance are the mines from the coast?—Some are 20 or 30 miles, but there are some that are nearer, which have been opened since I was there.

2727. Are there any roads made?—They have a track, not a regular road, and that is one of the great complaints made by the colonists, that they have not men enough to make roads up there.

2728. (*Mr. Waddington.*) Do you agree with Captain Kennedy that it is desirable to extend the period of a ticket of leave, and gradually to abolish conditional pardons, if possible?—I do not see much advantage in doing that.

2729. Have you perceived, in your experience, any difficulty in dealing with the conditionally pardoned men?—I do not see that there is any difficulty at all.

2730. You have not found it so?—No.

2731. When did you leave the colony?—In 1856.

2732. (*Sir John Pakington.*) Do you think it possible for the convict class to leave the colony and pass overland into either of the other Australian colonies?—I think it is utterly impossible; there are only two men who have done it; one was a native, and the other was Captain Eyre; one or two of the other men whom they took with them died.

2733. (*Mr. Childers.*) That was along the southern coast?—Yes; if they ever found a road they could go, but none has been found yet; it is 800 miles or so, and chiefly desert.

2734. In the last year explorers have passed the whole way to Champion Bay?—Nobody has been from South Australia to Champion Bay.

2735. (*Sir J. Pakington.*) Do you believe that any convict could avail himself of that road?—Certainly not.

2736. (*Mr. Childers.*) I think you stated that at the Vasse there was

timber close to the coast, and that a number of persons were employed there at one time?—Yes. *Captain E. F. DuCane, R.E.*

2737. At the Vasse a considerable timber trade existed, I believe, some time ago?—Yes.

24 Feb. 1863.

2738. One employer, Mr. Yelverton, employed as many as 120 men?—Yes.

2739. Are you aware whether that trade succeeded?—It is going on now.

2740. Are you aware that the shipment of timber to the other colonies did not answer?—I do not know that Mr. Yelverton sent any, but I know that Mr. Pearce Clifton sent some timber to the other colonies which was not good; but I believe that was simply because it was a bad selection of timber, and that there were parties in the other colonies who had a strong interest in making the most of that fact as they wished to start a timber trade of their own.

2741. But the people who shipped it were not so interested?—No; they did not select the timber properly.

2742. Have not a considerable number of ships gone from Western Australia with timber to the other colonies?—Yes; I think there was a large contract at one time. I do not know that all the timber was bad.

2743. That trade was carried on for some years?—For two years, I think.

2744. That trade ceased because it did not succeed?—I do not know, but a certain contract was entered into for timber for a certain work, you cannot call that a trade scarcely, for when it was finished there was an end of it.

2745. But an attempt was made to establish a trade in timber, and it did not succeed?—I do not know that.

2746. (*Mr. Russell Gurney.*) Since that time a demand for timber has sprung up in India?—Yes.

2747. (*Mr. Childers.*) Is that so?—Yes.

2748. Are you aware that Indian Railway Companies have been making inquiries about that timber?—I know that they have used it.

2749. Are they satisfied with it?—From all I have heard they are. I have made inquiries as to whether it answers its purpose, and as far as it has gone I know from the engineers' reports that they were perfectly satisfied.

2750. Have they sent additional orders for it?—I do not know what they are doing now; I know there were difficulties and delays in supplying it owing to causes referred to before; if they cannot reckon on their orders being supplied with certainty, of course they cease to give orders.

The witness withdrew.

Major Henry Ayshford Sanford examined. *Major H. A. Sanford.*

2752. (*Chairman.*) I believe you know a good deal of the colony of Western Australia?—I do.

2753. When did you go out there?—In 1851.

2754. When did you leave it?—I left it in 1857. I went out again in 1860, and came home in 1861.

2755. With what parts of the colony are you principally acquainted?—The northern part.

2756. You were employed, I believe, at one time in charge of road parties?—I was the first senior assistant superintendent on the road parties in 1852, quite the commencement of the year, in January or February.

Major H. A. Sanford.

24 Feb. 1863.

2757. Have you since that had considerable experience in the conduct of convicts generally?—Very much so.

2758. Does that experience enable you to form a good or a bad opinion of their conduct generally?—Very good; but when talking of convicts I mean ticket-of-leave men and expirees, as also conditional-pardon men.

2759. You have stated that you are principally acquainted with the northern district?—Yes.

2760. That is a mining district?—Yes.

2761. Is there a considerable extent of territory in which mines are to be found?—There are about 100 miles of a very rich mineral district of lead and copper principally, at present known.

2762. (*Sir J. Pakington.*) Do you mean 100 miles from north to south?—Yes; so far we have extended in the northern district. From the *coast line*, 26 miles are about the farthest that we know at the present moment, and as near as six miles is one of the shortest.

2763. (*Chairman.*) You mean that some of those mines are within six miles of the coast?—I will say a little more, and say 10 or 12 miles.

2764. Are they near a tolerable harbour?—Yes, there are two very good harbours.

2765. I suppose there have been no quays made at those harbours yet?—There is one jetty at Champion Bay, but it is not sufficiently large or sufficiently extensive for the produce that is coming down now, and which will increase very materially immediately.

2766. The convicts might be, I presume, very advantageously employed in extending the accommodation for shipping the minerals there?—Very much so.

2767. Is there a road from the sea to the mines?—The principal mines that are being worked now are, I believe, 40 miles from a seaport. The roads were so bad this last winter that for three months they could scarcely take their ore to the port.

2768. Was it lead ore or copper?—Copper ore.

2769. Is the ore rich?—Very rich.

2770. How is it as compared with the South Australian ores?—I have some specimens which would yield 77 per cent.; but that would be extraordinary. The average run at Swansea, of ore sent from these mines, I believe, is from 18 to 28 per cent.

2771. Will the ores from Western Australia pay to ship?—Yes; there are companies formed there at this moment, and from an account which I have received, I consider some of these mines will prove quite equal to the Burra-burra in richness. There are at the port of shipment, or on the way home, from 700 to 800 tons of ore now.

2772. These mining operations have not been hitherto very successful, from want of capital and labour to develope them?—They have not, as also from the bad roads.

2773. They have been very much checked for want of labour?—Yes, they have.

2774. Therefore an increased number of ticket-of-leave men would be a great boon to them?—The greatest boon.

2775. Has a good part of the labour that has been done been executed by ticket-of-leave men?—Yes, I may say so. There is a certain amount of free labour employed, and we have had a good proportion of free miners from England, to superintend in a great measure, but the absolute labour has been nearly all done by ticket-of-leave men.

2776. Are you interested in those mines?—Not in those that I speak of, except as a friend.

2777. Can you speak at all as to the timber trade from Australia?—Not from personal knowledge, from being on the spot myself; but I know that there are forests of timber.

2778. Can you speak as to the extent to which that trade is going on now?—At this moment I am sorry to say that it is stopped from local causes; but there is another company forming, and there will be a very large amount of that timber sent away.

2779. What have been the reasons of the trade being stopped at present?—It was through the failure of the man who was carrying it out; and the second man in that business was a ticket-of-leave man, and is a conditionally-pardoned man, or expiree, and he is now backed up by some of the wealthier men, the free settlers of the colony, and he is going to carry out the work again; a man of the name of McGibbon. I saw his estimate the other day, and he stated that certain men were assisting him in his project. I expect to hear again by the next mail.

2780. Was the previous failure at all owing to a deficiency of labour?—Yes; it was partly from labour being so dear, and from their not being able to get the proper kind of labour for the work that was required to be done.

2781. Do you know anything as to the extent of the demand for Australian timber to be exported to India?—I cannot speak absolutely to the number of loads, but I know that a number of contracts have been refused on account of inability to carry out the work.

2782. Contracts have been offered, and the contractors could not take them for want of labour?—Yes, for want of labour and capital.

2783. Can you give any opinion as to the number of labourers who might, within a limited time, be employed in the colony as ticket-of-leave holders?—Do you mean absorbed in the population or employed.

2784. I mean employed?—I think that certainly from 1,000 to 1,500 could be employed easily in the first instance, but then I think that in future the number that can be at all received may be calculated from the reports made from time to time by the governor *pro tem.*

2785. Do you anticipate an annual increase or decrease in the number that might be employed?—A very large increase from year to year. At this moment our labour market is so large that we could absorb more than we should "immediately" afterwards. We could absorb from 600 to 800 in the population of ticket-of-leave men and conditionally-pardoned men or expirees, and as the resources of the country become more developed of course that will help to draw out more men.

2786. Is it your opinion that that increase in the demand for labour will go on for a considerable number of years to come?—It is impossible to say the number of years, but it would go on for a considerable number of years.

2787. I believe it is 250 miles from Champion Bay to Fremantle?—It is about 250 miles more or less, from that to 260.

2788. It is at least as far to King George's Sound?—It is 300 I think.

2789. And upon the whole of that line there is, with much bad land, a considerable quantity of good land to be found?—A great deal of the soil of Western Australia, although ostensibly only very good on the alluvial flats, yet produces, where you would never expect it, very fine crops, and where it does not come in for one it comes in for another crop, if not for wheat, for potatoes, or for vineyards, or other crops.

2790. (*Lord Cranworth.*) Does not it produce a poisonous grass?—Yes, it does, but I have known flocks of sheep driven over the country

Major H. A. Sanford.

24 Feb. 1863.

and fed which was covered with this poisonous grass, and not a sheep was touched by it if you have a good shepherd. It is generally on the tops of the hills where it is found, on the bottoms there is generally no poisonous grass.

2791. (*Chairman.*) Is it not the fact that sheep, when not pressed for food, reject the poisonous grass ?—The unfortunate thing is that it comes up just after a bush-fire, and that is the most dangerous time.

2792. By proper care as to the periods when the sheep are taken to particular places, the land where this poisonous herb exists may be made use of ?—Yes.

2793. The settlers now understand it better than they did in former times ?—Yes.

2794. With a little care in that way, they can practically take the sheep on to a great deal of this land ?—A great deal of it.

2795. Do you happen to know how many acres of land are calculated in Western Australia to be required for a sheep ?—Four acres to a sheep.

2796. How does that differ from the old calculations made in New South Wales ?—I think there it is three acres.

2797. Therefore, in point of fact, the difference is not so very great ? —Not so very great.

2798. With respect to agriculture, do you know at all how many bushels of wheat to an acre can be raised on good land in Western Australia ?—On the average, 21 bushels to an acre, and 65 lbs. weight to a bushel; ours was some of the heaviest in the Exhibition this year.

2799. Was it as heavy as the South Australian ?—I think the South Australian was 69 lbs., and ours was marked 70 lbs.

2800. You have stated that part of the land was available for vineyards. Is the vine already cultivated in Western Australia ?—Yes. Mr. Joseph Harvey, of the Peninsular Farm, near Perth, produced 1,400 gallons of red wine from 2 acres of land.

2801. Is it tolerably good wine ?—Yes, if it was taken care of, Mr. Pearce Clifton is making very good wine. I tasted some wine in the north in 1861, it was a wine between Burgundy and port, and if kept, it would be a very good wine, but they drink it so quickly after it is made.

2802. It is good enough for their own consumption ?—Yes ; I have drank a good deal of it, and there is no doubt it will improve.

2803. They are only learning the trade, at present, but are gradually improving ?—Yes ; the Roman Catholic Bishop brought out a number of Spaniards to teach the people how to commence the cultivation of the vine, and they are carrying out some very large vineyards and olive groves.

2804. (*Lord Cranworth.*) In what part of the colony is that ?—There is one very considerable farm close to Perth, another is in Victoria Plains, and indeed they are all over the colony.

2805. They have olive groves as well as the vine there ?—Yes ; and I never saw finer olives anywhere.

2806. Has any oil been made in the colony ?—They are making it, and they have made it ; but I do not think that they have made it for export yet.

2807. (*Chairman.*) The olive trees are a long time before they bear ? —Yes, they are ; and you do not get them good until a certain age.

2808. (*Lord Cranworth.*) I suppose they were all imported from Europe in the first instance ?—Yes ; and there is scarcely anything that is not imported. With regard to the timber which has been spoken of, that timber belongs only to one district in the colony, it is restricted

to one corner. I have seen some that had been under water 29 years, and I could see where the sea-worm could not penetrate it, and I saw the sill of the door of a house which had been something like twenty years made, showing where the white ant had tried, but could not penetrate it.

2809. (*Mr. Waddington.*) Has this timber been used for ship-building ?—Yes ; and some was coming home to the Admiralty, but the ship was wrecked the other day. It is a very strong wood ; it answers for ship-building, and is very heavy; there is no need for coppering.

2810. The principal demand for it is likely to be from India for railway sleepers ?—Yes ; and I know of contracts desired by persons at St. Helena and Madras. I believe that at Adelaide they put down sleepers, and they had to take them up again, and to send for our timber afterwards.

2811. (*Sir John Pakington.*) Would it be better for ships than teak? —Equally good, I think.

2812. (*Chairman.*) Its principal advantage is when used for railway sleepers, in places where it is exposed to the attacks of the white ant ? —Yes ; and wherever the sea-worm is.

2813. (*Sir John Pakington.*) But teak is not exempt from the attack of the sea-worm ?—No.

2814. (*Lord Naas.*) Is there a great quantity of this timber in Western Australia ?—Large forests of it. You have to pick your trees of course.

2815. (*Chairman.*) What are the regulations under which this timber is allowed to be taken ?—I rather think that some is held in some private hands, but there are for timber cutting regular licences from Government.

2816. Has not a good deal of the land on which this timber grows been alienated ?—I believe that Sir James Stirling has some, and that Mr. Chapman has some as part of extensive grants made in the earlier days.

2817. You were, you say, in the colony in 1851 ?—Yes.

2818. Before you arrived, I believe it was in a very languishing condition ?—Very much so.

2819. Is it your impression that if convicts had not been sent to the colony, it could have been maintained at all ?—It is the opinion of most of the settlers that it could not have been.

2820. There was a diminishing population then ?—Yes, and when the gold diggings broke out, I believe they would have all gone, if they could, and there would have been no labour left.

2821. That being so, the rest of the population must have followed ? —Yes.

2822. At that time, when the convicts first arrived there, the colony was not able to produce food enough for its own consumption ?—Not for the increased number consequent upon transportation.

2823. There was a large import from South Australia ?—Yes.

2824. What is the case now?—There is a slight import I think now, but there always will be an import at present, and for a few years certainly, because in Adelaide they grow an enormous quantity of corn and they get an enormous quantity of flour on hand. They were able to send this corn up from Adelaide free of freight because the ships used to bring back timber and they were therefore able to compete with us for we had to cart our flour down to the port of Fremantle from the interior. I am speaking now of the time before the north was opened so much, 50 or 60 miles, of course, of land carriage against sea carriage would not pay, but the demand has increased so much and there is so much land fit for corn that we ought not to be any time without being able to cultivate sufficient for our own consumption. To show the increase of cultivation, in 1857 I went through a district called the Greenough Flats

Major H. A. Sanford.

24 Feb. 1863.

and there were not above three or four farms at the outside of 100 or 200 acres each, and at the beginning of 1861 I rode through 12 miles of corn land by 3 to 4 miles wide.

2825. And that increase had taken place in four years ?—Yes.

2826. Do you think that the progress of the colony has been a good deal checked by the uncertainty which existed as to sending out convicts ?—Quite so ; we have been deterred from entering into many speculations that would have answered if we had been certain of labour, but from the uncertainty we have not done so.

2827. Have you reason to believe that if the sending of convicts was to become the permanent and settled policy of the country that persons from this country would go out to avail themselves of that labour, and so develope the resources of Western Australia ?—Yes ; as soon as they knew the great resources of the colony.

2828. You think that there are parties now who are sufficiently acquainted with the colony, that, if they had the certainty of obtaining a continuous supply of labour, they would avail themselves of it ?—Since I have been home, and that is since 1861, there has been a mining company formed, and the lack of money was one of our great difficulties, but the money has now been found in the city of London ; it has been formed amongst ourselves, and men are going out from England to work the mines.

2829. It is likely that in that manner a numerous class of respectable settlers will go out to Western Australia ?—Yes, certainly.

2830. And assist in keeping up the character of the colony while the convicts are being sent out ?—Yes.

2831. Are you able to state that the wish is general among the colonists that convicts should be sent out ?—The wish is unanimous. I do not know of a single instance where the feeling is the other way. There was a question at the commencement, or just before they were sent out ; there were some who would still rather have done anything than have bond labourers brought in amongst them, but the good that has resulted from the introduction of these men has produced a unanimous feeling that it should be continued.

2832. In 1849 and in 1850, when the subject was first discussed, many persons were strongly apprehensive of the consequences that might result from taking in convict labour ?—Yes.

2833. Experience has led them speedily to the conclusion that convict labour is most valuable, and they are now anxious that convicts should be sent to the colony ?—Yes.

2834. (*Mr. Walpole.*) Does that observation extend to the whole colony ?—Yes, from north to south.

2835. (*Lord Cranworth.*) The population at any distance from Perth is very sparse and scattered ?—Yes ; the timber trade to the south collects a large number, and the mines to the north collect a large number, and our towns now begin to grow. The district called The Greenough Flats is about 16 miles from Champion Bay to the south, and in the whole distance of those 12 miles there is a large population.

2836. What is the whole population of the colony ?—About 17,000.

2837. What portion of that is settled at Perth, and what portion at Fremantle ?—We have only three or four towns in the colony, Perth, Fremantle, Bunbury, and York; Champion Bay is the commencement of a town, but the population is sparse.

2838. One of the conditions endorsed on the ticket of leave is that the holder of it shall not go into the towns, and not leave a certain district ?—It is a certain district ; not the towns.

2839. Does it not generally exclude the towns ?—Only selected men

have their tickets of leave for the larger towns, and a man who is in that town has to report himself to a magistrate, or he is under the supervision of the magistrate.

2840. (*Mr. Waddington.*) At Fremantle is the population 2,000 or 3,000, or more ?—I think it is from 2,000 to 4,000.

2841. (*Lord Cranworth.*) Which is the largest town ?—Perth.

2842. (*Mr. Walpole.*) When you speak of the colony being willing and anxious to accept convict labour to the extent of from 1,000 to 1,500 annually, for a few years, I suppose you mean the Commission to infer that the labour required is able-bodied labour ?—Of course.

2843. The colonists would not thank the Government for sending them out weak men ?—No ; we must prefer able-bodied men ; we have had a great many lunatics sent out, and a great number of men suffering from chronic complaints of body and mind.

2844. (*Mr. Waddington.*) Not any raving lunatics ; but men who were approaching to imbecility ?—Some have been lunatics who have come out.

2845. (*Mr. Walpole.*) Would it answer the purpose of the colonists if the convicts were sent out for short periods ?—We prefer long sentenced men, so that we shall have their probation period served on the public roads and bridges.

2846. What do you mean by a long period ?—So that we should have their probation work for at least 18 months or 2 years.

2847. (*Chairman.*) Is there anything farther that you wish to state to the Commission ?—If you please. It was publicly stated the other evening at a meeting that there were very few persons who had signed the memorial which had been forwarded to the Duke of Newcastle, who were the actual possessors of property, or people connected with, or belonging to Western Australia. I have taken the trouble to write out the name of every man who signed that memorial in order to show the connexion that he has now with the colony, from which it will be seen that where they do not possess property, which a great many of them do, they are either the fathers, the brothers, or the closest connexions in this country of persons out there, which I think is quite ample enough.

2848. Some of the gentlemen who signed that memorial and applied to be examined before this Commission are I believe very large holders of property ?—Very large. With the exception of myself, they were all the first settlers in the country from 1829 ; Mr. Yule, Mr. Wittenoom, and Mr. Habgood, all went out in 1829 and 1830 and 1831.

2849. Mr. Habgood, I believe, is now one of the largest miners ?—He owns the Geraldine mines.

2850. And he employs a large number of convicts ?—Yes, he has employed a great number.

2851. (*Mr. Childers.*) Were you one of those who signed the memorial in 1860 ?—I think I was not in England then.

2852. Were you in the colony at the time ?—I left England in July 1860.

2853. You are aware that the whole question of the Jarrah timber was gone into very fully then, in connexion with that memorial ?—I do not think I saw the memorial.

2854. It was a memorial from the Western Australian Association in London ?—It appears so, now you produce it.

2855. Which was very much objected to in the colony ?—I do not remember that.

---

* See Major Sanford's further examination, 27 Feb. 1863.

Major H. A. Sanford.

24 Feb. 1863.

2856. Do you remember that the colony repudiated it, and said that its statements were unfounded ?—No.

2857. And that the Governor wrote two despatches upon the subject, which appear in the Blue Book of 1860 ?—I do not remember either the despatches, or anything about the timber.

2858. Do you remember the controversy with respect to their inability to employ ticket-of-leave men on the timber works?—I do not remember any such circumstance.

2859. (*Mr. Bouverie.*) Have you ever employed ticket-of-leave servants ?—I opened a large district to the north at Port Gregory, and I had, from 1853 to 1857, a large number of men under my charge, and two thirds of them were ticket-of-leave men.

2860. Was their conduct on the whole satisfactory ?—Very much so ; there was hardly any crime. I will, with the permission of the Commission, hand in the list which I have prepared, giving the names of those who signed the memorial, to which I have before referred.

The same was handed in as follows :

H. A. Sanford, Esq.—Twelve years since first resident in the colony, opened a district, and possesses a large amount of land in the northern part of Western Australia.

H. Pownall, Esq.—Father of the Dean of Perth, who has landed property in the colony, and is married to a settler's daughter.

T. N. Yule, Esq.—Thirty-two years in the colony, late police magistrate, and holds large landed property there.

C. Wittenoom, Esq.—Thirty years a settler, large land and stockholder ; and about returning.

Cavan, Lubbock, and Co.—Deeply interested in the colony as agents for the Bank of Western Australia.

H. Manning, Esq.—Has very large property in the colony.

Felgate and Co.—Holds land, and has been connected for the last 25 years in sending ships, &c.

Lee Steere, Esq.—Has two sons in colony, and both married to settlers' daughters, and large landholders.

C. E. Mangles, Esq.—Has large property, and is brother-in-law of Sir James Stirling, the first Governor of the colony.

Colonel Phillips.—Has property himself, and is brother to one of the principal settlers.

R. M. Habgood.—Thirty years settler and merchant, and possessor of large mineral property there.

John Chapman.—Large holder of land.

J. E. Henderson.—Late resident there, and brother of Comptroller-General.

Peter Rolt, Esq.—Interested in the timber trade.

Lemon, Hart, and Son.—Deeply interested as shippers.

Fred. Mangles, Esq.—Same as brother.

Fred. Moore, Esq.—Born in colony, and his parent and family still living there.

H. R. Grellett, Esq.—Has property in the colony and late resident.

W. F. Moore, Esq.—Part owner of mines in the colony.

James McDonald and Co.—Agents for several of the colonists.

T. F. Pownall.—Brother of the Dean of Perth.

John Lane, Esq.—Holds large landed property.

Charles Gosnell, Esq.—Do.

John Clinch and Son.—Sons settled in colony.

G. and T. Oliver.—Deeply interested.

J. W. Sillifant, Esq.—Old settler, J. P. at Bunbury, and chairman of quarter sessions King George's Sound, and brother now in the colony.

T. Mellersh, Esq.—An old resident and has landed property.

G. P. Graham, Lieut.-Col., J. P., and Dep. Lieut. for Somerset.—Brother-in-law to one of the earliest settlers holding very large property.

The witness withdrew.

Adjourned to Friday next at 12 o'clock

Friday, 27th February 1863.

PRESENT :

Earl GREY.	Mr. WALPOLE.
Lord NAAS.	Mr. RUSSELL GURNEY.
Lord CRANWORTH.	Mr. CHILDERS.
Mr. BOUVERIE.	

EARL GREY IN THE CHAIR.

Mr. RICHARD FRANCIS NEWLAND examined.

Mr. R. F. Newland.

27 Feb. 1863.

2861. (*Mr. Childers.*) You have been, I believe, for many years a magistrate of South Australia ?—A police magistrate.

2862. You have been a police magistrate for 10 years, I believe ?—Yes.

2863. Had you before that been for many years a magistrate ?—For 10 years.

2864. You were a police magistrate at Port Adelaide ?—Yes.

2865. Port Adelaide, I believe, is the main port at which passengers embark and disembark in South Australia ?—Yes, it is the port.

2866. It is the port of the capital ?—Yes.

2867. The distance from the capital is about eight miles, is it not ?—Yes.

2868. Those 10 years during which you were a police magistrate were from 1850 to 1860 ?—Yes.

2869. In 1850, I think, transportation to Western Australia commenced ?—I do not know.

2870. Can you give the Commission any information as to the arrivals at Port Adelaide of persons from Western Australia who had been convicts ?—I have here an extract from the Government statistics or census showing the arrivals of persons from Western Australia in the port of Adelaide, and of those who left Port Adelaide for Western Australia, from the year 1855 down to 1860.

2871. Before 1855, transportation having commenced in 1850, it would not be likely that many expirees could come ?—No ; very little intercourse took place.

2872. During those five years can you state to the Commission how many persons arrived from Western Australia ?—In the year 1855 the emigration into the colony from Western Australia was 269 persons against 24 who went to Western Australia ; in 1856, 438 persons entered against 51 who left ; in 1857, 629 came from Western Australia against 21 who went to Western Australia from Port Adelaide ; in 1858, 184 persons against 34 who left Port Adelaide for Western Australia ; in 1859, 156 against 40 who left ; in 1860, 114 against 61 who left.

2873. In the first three of those years a steadily increasing member of persons came from Western Australia, and very few returned ; whereas during the last three years a smaller number have come from Western Australia, and a larger number have returned to it ?—The increase was about 200 every year from 1855 to 1857, 269, 438, and 629.

2874. Then the numbers fell off ?—Yes.

2875. During the time that you were police magistrate at the port, had you the means of knowing what the class of people was who came ?—Yes ; I had reports of them always.

2876. Can you explain to the Commission what, generally speaking, the class of those 1,300 persons who came during those three years was ?—A great many of them were expirees, and a great number of

Mr. R. F. Newland.

27 Feb. 1863.

them were also conditional-pardon men—that I know from the reports of the police who were under my charge.

2877. Can you state what the effect of that immigration of convicts and ex-convicts was upon the well-being of the colony?—It created so great an excitement, and crime so much increased, that an Act was passed in 1857, restraining those persons from coming in—the Extradition Act, by which they were to be either subject to three years' penal servitude, if found in the colony, or they were sent back to the colony itself.

2878. Out of those 1,300 persons, can you state in round numbers what you estimate the number of convicts and ex-convicts at?—It is difficult to say. I daresay that half of them were expirees and conditional-pardon men.

2879. (*Mr. Waddington.*) Making about how many?—About 600 during the three years. I had no means of ascertaining, because the status of those persons was not taken down at the port.

2880. (*Mr. Childers.*) You say that there was great excitement; was that excitement imaginary, or was it founded on real evils?—It was not imaginary; crime had increased, and the crimes that were committed were chiefly committed by the Swan River emigrants—at least, of the convict class to which they were ascertained and known to belong.

2881. Do you think that the ill-conducted men who so added to the crime in the colony formed a large proportion of the whole of the convicts who came from Western Australia?—I think a great many of them. I know that a great many of them did.

2882. Were any very serious offences committed by them?—Burglaries, and offences not connected with the country pursuits at all, such as horse-stealing or cattle-stealing, because they remained in the town; they were chiefly assaults, robberies, and burglaries.

2883. They were much the same sort of offences that we have heard of in London during the last six months?—Yes; they stopped people at night, and went about in pairs.

2884. Did that add much to the expense of maintaining order in the colony?—Very much. It was one of the complaints made, independently of its bad effect generally, that the expense of our jails and police, which was heavy before, was much increased.

2885. Then, upon this, an Act was passed by the Legislature to restrain those persons from coming?—Yes.

2886. Although a prisoner might have had a pardon permitting him to come to South Australia, yet that Act contravened the pardon?—A conditional pardon, I mean.

2887. That Act was assented to after some time, was it not?—Yes; it was passed in 1857, and reserved for the Queen's assent; and in 1858 it became law. Two months after, it was assented to, in consequence of a clause in the Act making it necessary that it should not come into operation for two months after it had been proclaimed.

2888. Did they give notice to the colony?—Yes.

2889. The effect of this Act was to restrain the arrival of those people?—Very much so, the conditionally-pardoned men.

2890. Did that Act apply to expirees?—No; it applied to persons who had not fulfilled their sentence, or had not received a full pardon.

2891. It was not like the Acts passed in other colonies, which continued that exclusion till three years after the pardon—it only went at the moment to those who were absolutely free?—I was not aware that the Acts of other colonies were different from our own.

2892. The effect of that Act was to reduce the number of people

arriving ?—Yes ; and in 1858, when the Act came absolutely into operation, the numbers of the previous year who had come into the colony, and who were aware that this Act would be passed, fell from 629 to 184.

2893. At the same time that the transportation to Western Australia became very small, did it not ?—I am not aware of that.

2894. What, in your opinion, would be the effect, with reference solely to the arrival of convicts in South Australia, of the resumption of transportation on a large scale to Western Australia ?—It would be very injurious to the colony in every way.

2895. Do you think, considering the superior attractions of South Australia, that a continuance in force of that anti-convict Act, would enable the Government to keep the conditionally-pardoned men and expirees out of the country ?—It might to a great extent keep the conditionally-pardoned men away, because there is a great deal of vigilance exercised by the police in all cases where persons arrive ; but, of course, there being no Act to prevent expirees and full-pardoned men coming, we should be inundated with them—they generally leave as soon as they can after they are pardoned or have completed their sentence.

2896. There are no gold-fields in South Australia ?—No.

2897. But the rate of wages is so much higher than in Western Australia that those men would come ?—Yes ; there is more to be done in the labour market, and they are not so well known ; they get away from those who knew them in their old localities, and come where they hope not to be recognized.

2898. Do you know of any way in which, supposing transportation were resumed on a large scale to Western Australia, these evils might be averted in South Australia ?—The fact of a man getting his pardon is considered to make him a free subject, and he is able to go where he pleases, and I apprehend that we could pass no Act to keep an expiree out.

2899. Do you think that that Act has any useful terror in it which warns an expiree as it were out of the country ?—An expiree is able to remain in the country.

2900. Although the Act does not absolutely exclude an expiree, has it such a warning ; is the effect practically to keep him out of the country ?—I do not think it would keep him out of the country, if he thought that he could do himself any good there.

2901. I suppose you have had these men before you as a police magistrate ?—Yes. I think on four occasions I have had to send them back to Western Australia, after they had been detected on board of vessels endeavouring to come into the colony.

2902. Do you know whether the Government of Western Australia in any way encourages the emigration of those people from that colony to South Australia ?—I have reason to believe that they are anxious to get rid of those people who are troublesome, and I have heard that they assist them, and that they have been assisted in getting away from the colony.

2903. What is the passage money in a coaster from Perth to South Australia ?—By the Peninsular and Oriental Company's steamers it was about 10*l*, but I think in the coasters it might average about 7*l*. to 8*l*.

2904. Is there any difficulty, so far as you know from those who arrive, in an expiree or a conditionally-pardoned man mustering 7*l*. or 8*l*. to get out of the country?—I think not, from the number that have done so.

Mr. R. F. Newland.

27 Feb. 1863.

2905. As to the aid given by the Government of Western Australia, do you know of any instance of such a thing having been done?—I know one case of a man who made himself very troublesome over there, and they were anxious to get rid of him, and he was sent away to South Australia.

2906. At the expense of the Western Australian Government?—I understood so, and it was well understood so; he committed some offence in South Australia, and underwent punishment.

2907. On the occasion of his committing that offence it became known?—Yes; he stated it himself.

2908. Was it only known on his own information?—No; I believe that there was a correspondence between the governments on the subject.

2909. What was the result of the correspondence?—I do not know what occurred afterwards, but there was little doubt that what he had stated was correct, from other means of information.

2910. Did that happen after the Act was passed excluding conditionally-pardoned men?—Yes, some time; he had a full pardon, or he was not a conditionally-pardoned man that could be touched or kept out.

2911. He did not come within the purview of the Act?—No.

2912. Then the sum of your evidence is, that any resumption of transportation on a large scale to Western Australia, even with your anti-convict Act, would be prejudicial to the colony of South Australia?—I think so, decidedly, from what I have seen in New South Wales. In 1835, when the convict system was in force there, I had some experience and saw a great deal of the effect of the system; and from that experience I consider that South Australia, being so near to Western Australia with a large number of convicts and expirees, the effect would be prejudicial and injurious to the colony.

2913. As to the distance from Western Australia to South Australia, how many days does a steamer take?—About a week one way; the prevailing winds are from the south-west, and the voyage takes about a week, from that to 10 days; sometimes there is great difficulty in getting round Cape Leuin, but there is no difficulty in getting from Western Australia to the south. King George's Sound, where the P. O. Company's vessels touch and are coaled by convicts, is to the eastward of Cape Leuin and nearer to South Australia than the Swan River settlement.

2914. Western Australia is to windward?—Yes.

2915. (*Lord Cranworth.*) When you say that there was a correspondence that was well known, how was it known—was there any document published?—It was known through the police by rumour, there was no publication, I believe.

2916. Only by rumour?—Yes.

2917. (*Mr. Waddington.*) There were never any convicts transported to South Australia, were there?—No.

2918. But to all the other Australian colonies?—I have heard that there was one ship which went to Port Philip with so-called "exiles" from Parkhurst.

2919. (*Mr. Bouverie.*) You have spoken of a large proportion of crime having been committed by ticket-of-leave-men from Western Australia—have you any figures to show what the proportion was?—It is not stated in the returns from the Supreme Court. I stated that from my own knowledge, being connected with the police magistracy, and from the class of the persons who had arrived in the colony, as

well as from reports that were made to me by the police at Port Adelaide of those persons.

2920. Have you any idea what the proportion was—half, or a quarter, or 10 per cent. ?—I suppose it was more than 10 per cent.

2921. (*Lord Cranworth.*) What was the proportion of criminals that came from Western Australia compared with the great bulk of the people ?—I think more than 10 per cent.

2922. (*Mr. Childers.*) The population of South Australia, I believe, is about 127,000 ?—Yes. App. No. 8.

2923. (*Mr. Russell Gurney.*) Have you a return showing the number of criminal cases in the different years ?—There is a statistical register of the commitments, and the number was 125 for the year 1861.

2924. 125 convictions altogether ?—These are commitments to the Supreme Court.

2925. Does that include cases of what are called indictable offences ?—Yes.

2926. Were those commitments or convictions ?—Commitments. The convictions were 62.

2927. Can you say what it was in 1855 ?—77 convictions.

2928. Con you give us the population for the same years ?—Yes. The population in April 1861 was 126,830.

2929. Can you say what it was in 1855 ?—In 1855 it was 87,000.

2930. (*Mr. Bouverie.*) What is the severest secondary punishment that is inflicted in the colony ? A long term of imprisonment ?—Penal servitude for life, and for periods of years. We have two establishments—a convict prison for long-sentenced men, and an ordinary gaol in Adelaide. There are also gaols in the country districts. In 1850 the expenses of our gaols and police were 10,982*l.*, and population 63,700, being 3*s.* 5¼*d.* per head. In 1861 the expenses of gaols and police were 37,108*l.*, and population 126,830, being 5*s.* 10*d.* per head.

2931. Do you keep a convict shut up for life, or let him out with a ticket-of-leave ?—He can work out, by good conduct, a certain part of his sentence, which is allowed him every year ; but they are generally worked in irons at what is called the Dry Creek, a place where there is a large stone quarry, adjoining the convict prison, about six miles from Adelaide, which has lately been finished.

2932. You mean in gang work ?—Yes.

2933. (*Mr. Russell Gurney.*) You are gradually getting an increase of your own expirees in your own colony, are you not ?—Yes ; those who have fulfilled their sentence will come out.

2934. (*Mr. Waddington.*) What do you do with those under sentences of penal servitude for life ; do you give them tickets of leave ?—No, we have no tickets of leave. We keep them for the term of life, or for any other period that they are sentenced to. Some are for life.

2935. (*Lord Cranworth.*) Your returns do not, I presume, show what proportion of criminals were criminals who came from Western Australia, and who the others were ?—No.

2936. According to the best of your recollection, you think that about 10 per cent., or more, were expirees or conditionally-pardoned men that came from Western Australia ?—Yes.

2937. Does that proportion apply to the period of time before the passing of the Anti-convict Act, or subsequently ?—Before the passing of that Act. We have been less troubled with them since then, a great deal.

2938. (*Mr. Childers.*) The Anti-convict Act not only kept them away, but drove them out ?—Yes, they were hunted out.

Mr. R. F. Newland.
27 Feb. 1863.

2939. When they were hunted out, did they go back to their old colony, or go on to another ?—They generally did not go back, but they went overland to Melbourne or to Sydney — probably to Melbourne.

2940. (*Mr. Bouverie.*) How were you able to distinguish the conditionally-pardoned men ?—There were several men in the police who had been prison warders in Western Australia, and they had been taken on chiefly with the view of recognizing those men.

2941. To act as detectives ?—Yes ; and their evidence on oath that those men were known to be undergoing their sentence within the last preceding seven years was sufficient to convict them.

2942. (*Mr. Childers.*) The onus of proof that they were not so lay on the prisoners ?—Yes.

2943. (*Lord Cranworth.*) Are you able to say whether any portion, and, if so, whether a large or a small portion of your own expirees, or pardoned convicts, left your colony ?—I do not think they leave the colony, for they have friends or connexions ; and when they come out again they endeavour to obtain their livelihood, and they are more likely to do so than if they left.

2944. You have stated that the whole population was about 127,000; what proportion of that is a town population ; for instance, at Adelaide, what is the population there ? —Including the suburban villages, I suppose about 22,000.

2945. (*Mr. Childers.*) What is the population of Adelaide itself ?—According to the census of 1861 the population of the city of Adelaide was in that year 18,303.

2946. (*Chairman.*) What is the system of punishment applied to persons who are sentenced to penal servitude in South Australia ; are they confined in separate cells, or are they all kept together ?—Lately, the new gaol which has been erected has enabled the authorities to keep them separate, so that each man has his own cell, and they are worked in irons in the daytime in the quarries.

2947. In association ?—Yes, they work together.

2948. Until lately they were in association at night also, were they not ?—Yes ; but there was not sufficient accommodation to admit of their being kept separate.

2949. Might not the increase of crimes at one time, in South Australia, be partly attributed to the imperfect system of punishment ?—I think not.

The witness withdrew.

W. A. Guy, Esq., M.B.

William Augustus Guy, Esq., M.B., examined.

2950. (*Mr. Waddington.*) You are a physician, and a fellow of the Royal College of Physicians ?—Yes.

2951. Are you also a professor at King's College ?—I am.

2952. And a physician at King's College Hospital ?—Yes.

2953. How long have you been medical superintendent at Millbank prison ?—I was appointed on the 1st of July 1859 ; I have therefore been in office nearly three years and three quarters, approaching four years.

2954. You succeeded the late Dr. Baly?—I did.

2955. Are your duties confined to Millbank prison, or do you also attend to any other prison ?—My duties are confined to Millbank prison, but I am generally consulted by the Directors of Convict Prisons on questions affecting the health of prisoners or prison officers ; they apply to me for medical information.

2956. Have you given particular attention to sanitary questions, to the health of the convicts, and also to their diet ?—Yes, I have.

2957. I believe you have lately made a report upon that subject, which you have sent in to Sir Joshua Jebb ?—I have.

2958. It is not in Sir Joshua Jebb's report, is it ?—It is in a report which I believe has not yet been issued. I have a copy of it here, —a proof—it is printed with other reports.

2959. Is that the report which you finally made (*handing the same to the witness*) ?—It is.

2960. It is the copy to which you refer ?—Yes, if you please.

2961. Be good enough to read the final conclusions ?—I ought to state that this report relates solely to the dietary at Millbank prison, and not to that of other prisons. "1st. That the existing dietaries of this "prison are certainly sufficient for the maintenance of health, but that "they may possibly admit both of modification and reduction." The second conclusion is, "That in consequence of the severe epidemic pre- "vailing in 1822, the prevalence of cholera amongst the prisoners when "that disease was raging in London and in other parts of the country, in "consequence, also, of some occasional outbreaks of disease of a less severe "character at subsequent periods, an impression has been produced, "both among the officers of this institution and the public at large, that "the site of the prison is extremely unhealthy. But, owing to the "progressive improvements which have been effected within the walls "of the prison of late years—improvements in warming and ventila- "tion, in drainage and water supply, and in everything relating to the "preservation of the health of the prisoners—there is no longer any "reason to believe that the site of the prison is peculiarly unhealthy; "and therefore no reason for placing the prisoners on a more generous "diet than that which is found sufficient at Pentonville Prison or other "similar establishment. I have now an experience of four years, and "Mr. Gover, the resident surgeon, of upwards of three years, and we have "not yet observed any facts which would justify the assumption that "the site is peculiarly unhealthy. I am, therefore, prepared to re- "commend that the allowance of bread in the ordinary prison diet be "reduced to the standard of Pentonville prison, namely, 20 ounces per "diem in lieu of 22 ounces." In any case I should go as far as that. The 3rd conclusion is, "That, partly in consideration of the want of "variety in the existing diet, and partly of the fact already alluded to, "that the soup which used to be given twice a week was exchanged for "meat in the cholera year 1854, for reasons that are no longer in force, "I am of opinion that that earlier dietary should be restored."

2962. (*Mr. Bouverie.*) That is an inferior diet ?—No, not inferior, but more varied; they have meat now every day in the week.

2963. (*Mr. Waddington.*) When cholera broke out, the soup was changed for meat to meet that particular disease?—Yes, and the change remained permanent without a sufficient reason. That was done by Dr. Baly, my predecessor. The 4th conclusion is: "In order to meet "the symptoms of indigestion and of constipation already mentioned as "prevailing in the prison, it appears to be worthy of consideration "whether, on the two days when the prisoners would have soup for "dinner, brown bread might not be advantageously substituted for "white. Fifthly, that as the gruel now made with flour proves not "simply unpalatable but repulsive, it is expedient to make it hence- "forth of one and the same material, namely, coarse oatmeal." The gruel was made in three different ways, out of wheat flour (seconds), out of coarse oatmeal, and out of fine oatmeal. That which was made out of flour was simply a very disagreeable thin paste, that

W. A. Guy, Esq., M.B.

27 Feb. 1863.

which was made out of fine oatmeal was nearly as bad, but that which was made out of coarse oatmeal was always the best; and I thought it expedient to recommend that the one element of diet should be substituted for the three, and that there should be nothing but coarse oatmeal used throughout the prison. It saves about 5*l.* a year. "This small and unimportant change I have already recommended "for adoption, and it has been adopted. Sixthly, that the present "penal-class diet often proves more acceptable to prisoners than "the ordinary diet, and for this reason seems to require some modi- "fication. It also contains more nourishment than is necessary "for a class of prisoners who, when compared with others, lead a "life of comparative idleness, and may therefore admit of some "reduction. In conclusion, I may state that I shall give my serious "attention to the possible reduction and modification of the dietary, "and that in so doing I shall endeavour to preserve the health of the "prisoners, at the same time that I avoid making the diet a means of "indulgence. These changes, if authorized, would be the means of "effecting a considerable economy, and also (and this I do not deem "unimportant) would simplify the duties, and reduce the labours which "devolve upon the steward."

2964. Your reasons for those recommendations are given in the report at full length?—Yes, together with a minute and, as I believe, accurate account of the dietary history of Millbank prison.

2965. I understand that the principal change you recommend is a reduction in the bread from 22 ounces to 20 ounces?—Certainly, but I do not say that I would not go farther.

2966. I believe the present allowance at Pentonville prison is 20 ounces?—Yes, per diem, making 140 ounces per week.

2967. The additional two ounces at Millbank prison were allowed in consequence of the supposed unhealthiness of the prison?—Yes.

2968. Pentonville Prison is in a remarkably healthy situation, is it not?—Yes, it is quite different from Millbank; but Millbank is now a healthy place.

2969. You are satisfied that Millbank prison is now sufficiently healthy to admit of the same diet, with regard to bread, as at Pentonville prison?—I am.

2970. If these alterations should be made, should you be then quite satisfied that the diet is not excessive, or would you wait for further experiments?—I should prefer to wait for further experiments. I am still under the impression that 20 ounces of bread per day are excessive; and that if the allowance were less than 20 ounces of bread per day, and it were brown bread, it might prove quite sufficient for the maintenance of the health of the prisoners; the white bread is not so nutritious as the brown bread, and the brown bread is cheaper than the white is.

2971. I suppose you consider it absolutely necessary that prison diet should not afford any pleasure to the prisoner?—Not positive pleasure, but it should not be repulsive.

2972. Do you consider sameness of diet absolutely necessary for the purpose of preventing the food from being agreeable?—I think that sameness is carried too far in Millbank prison. They have every day in Millbank prison five ounces of meat, weighed after being cooked; it is the same meat, beef.

2973. (*Mr. Bouverie.*) It is boiled, is it not?—Yes, and weighed after cooking, and served up with the liquor of the same beef; and the result of our experience at Millbank prison is that after a time, say a few weeks or months, many prisoners begin to complain of

indigestion, and to ask for a change. I do not mean the querulous prisoner, but the better class of prisoner will do that.

2974. That is in conformity with ordinary experience, is it not?—Yes, and then we put him on what is very economical, a little rice pudding for three or four days. After that he comes back to his old diet again, but I think it is too monotonous. Five ounces of meat would cost more than good nutritious soup, containing say three ounces of meat and vegetables; and I should advise, instead of meat seven times a week, that it should be supplied only four times a week, which would correspond with the diet for county prisons as recommended from the Home Office.

2975. Would you recommend soup two days a week?—Yes, and that would make six days out of the week; then on one day I think it would be desirable to give the prisoners a pudding, made either of Indian meal and milk, which is a very nutritious and good pudding, or else a suet pudding. I may mention that the report which I have given in was written two months ago, and therefore what I say now may differ slightly from what appears in that report, not in principle but in detail.

2976. Have you found that the prisoners degenerate in health or improve under the existing diet?—I find that they do not degenerate in health, on the contrary, I think they improve upon the whole; I have had some weighings made quite recently, weight being one of our tests, and a tolerable good one it is, and these weighings prove conclusively that the prisoners under the ordinary diet increase in weight and certainly improve in health.

2977. (*Lord Naas.*) In what state of health are they generally when they come into the prison?—They vary very much according to the prisons from which they come; sometimes we find that prisoners who are brought in from certain prisons are out of health, but, as a general rule, they come in in a tolerably fair state of health.

2978. (*Mr. Russell Gurney.*) But they come to Millbank prison immediately after conviction, do they not?—No, only from the London district, and not immediately from that.

2979. (*Mr. Waddington.*) Many of them come from the London prisons?—Yes, they are detained in Newgate a certain time before they come to us, and also in Coldbath Fields prison, and in the Westminster House of Correction.

2980. (*Mr. Bouverie.*) Is the average amount of sickness among the prisoners greater or less than the average amount of sickness would be among persons of the same age engaged in the ordinary occupations of life?—It is impossible to ascertain whether the amount of sickness is the same, or whether it is different, as we have no standard of sickness outside with which to compare our own; but I have entered very minutely into the mortality in a paper which, if it were thought expedient, might be given in, or parts of it at least. It is the result of a census of the population in all the convict prisons in England, taken on the 31st March in last year; it is the first census of the kind that ever was taken. I suggested it to Sir Joshua Jebb as being an important thing to do, and I have ascertained through it, that the mortality among the prisoners, taking all the convict prisons together, is very favourable. In the case of the men it is certainly not inferior to that of any class with which it would be reasonable to compare them. I assume, of course, the same distribution as to age. In the case of the women the mortality is only a little higher, the women suffering more from imprisonment than the men.

2981. (*Mr. Waddington.*) Have you formed any opinion as to the diet given to the convicts on the public works at Portland and at

W. A. Guy, Esq., M.B.

27 Feb. 1863.

Chatham?—I have got an account of the dietaries in a shape in which they can be compared with each other.

2982. Have you formed any opinion as to the propriety of the diets which are allowed to the convicts?—I will first, if you please, refer to the dietaries, and then state what I think about them.

2983. Be good enough just to read them, and make your observations as you go on?—I have the dietaries of the convict prisons before me, and I will state to the Commission the results. The solid elements of the diet vary from 280 ounces per week to 354 ounces per week, meaning by the solid elements, bread, meat, potatoes, and pudding; the meat varies from 28 ounces, which is the quantity allowed at Pentonville prison, that is four ounces seven times a week—but this is given with a very rich soup—it varies from 28 ounces to 39 ounces.

2984. Do you mean that the quantity is more in convict prisons than in Pentonville prison?—I will compare them in the same way, and take Pentonville and Millbank prisons first. In the first place, at Pentonville prison the allowance is 140 ounces of bread per week, 28 ounces of meat, and 112 ounces of potatoes, making 280 ounces of solid food. At Millbank we give 154 ounces of bread, 35 ounces of meat, and 112 ounces of potatoes, making together 301 ounces of solid food per week. The soup, gruel, and cocoa, I think it is scarcely worth while to mention, for they are similar; but in Pentonville they have a very rich soup which is served up with the meat every day. Then at Portland the allowance is 150 ounces of bread for the ordinary diet, 39 ounces of meat, 112 ounces of potatoes, and 30 ounces of pudding, making a total of 341 ounces of solid food, as against 280 at Pentonville and 301 at Millbank. Then there is an increased diet, a more liberal diet, which amounts to 171 ounces of bread, 39 ounces of meat, 112 ounces of potatoes, and 30 ounces of pudding, making 352 ounces of the solid elements—that is the more liberal diet at Portland.

2985. Is that given to the prisoners in a higher stage?—Yes, and then there is a third stage over and above this increased diet, in which they give two ounces of cheese, three ounces of bread, and half a pint of beer on Sundays; and then, in the fourth stage, in addition to what they get in the third stage, they give a small pudding on Thursdays, and mutton instead of beef on Thursdays and Fridays. I have taken all these facts from the report of 1857.

2986. Be good enough just to state your views on the subject generally?—I may state in general that there are great anomalies in these tables. Dartmoor is an invalid prison. We send to Dartmoor none but invalids. Epileptic patients, prisoners of weak mind, deformed and crippled prisoners go there in large numbers. All those who are not certified as fit for an asylum go to Dartmoor. Many cases of consumption and scrofula, or king's evil, go to Dartmoor. We can only send to Woking, which is an invalid prison *par excellence*, the worst cases; we send there patients suffering under consumption, but we send to Dartmoor those that are consumptive, but who are not suffering from the complaint at the time.

2987. Is not the climate of Dartmoor rather severe for consumptive patients?—Yes, but the climate I think makes very little difference; it is better than keeping them in town, but we should prefer Woking. In this invalid prison at Dartmoor they are allowed 354 ounces of solid food per week, which is the largest quantity in the list; they are allowed 171 ounces of bread, 39 ounces of meat, 112 ounces of potatoes, and 32 ounces of suet pudding, making a total of 354 in the week, and other things, and the liquid elements of the diet, certainly in a liberal propor-

tion. The next prison in point of order is Portland, and according to the increased diet table there, they receive also 171 ounces of bread, 39 ounces of meat, 112 ounces of potatoes, and 30 ounces instead of 32 ounces of suet pudding, making a total of 352 ounces instead of 354 of the solid elements of diet—and yet to Portland we send all our robust men.

2988. They have the hardest work to do there ?—Yes, and that is one of the anomalies. Then we send to Portsmouth and Chatham men who are capable of a day's work, but who are not so robust as the Portland men. The men at Portsmouth who are in their first and second stages get 340 ounces, and in the third stage 343, and a further improvement in the fourth stage ; and the figures are the same at Chatham : they are there allowed 340, 343, and 351. The prisoners who are sent to Chatham and Portsmouth are not so robust or such finely developed men as those who are sent to Portland, and yet they are allowed only one ounce less per week of solid food.

2989. I suppose you are well acquainted with the nature of the work done in these prisons, have you been there ?—Strange to say I have never been there; I thought when I was first appointed that I should have had a sort of roving commission in order to acquaint myself with all these prisons. I have been to Woking, and if I happen to be near a prison I visit it, but not in any other way. I am acquainted generally with the nature of the work done at the several prisons.

2990. What is your opinion as to the diet of Portland, where the men have to perform the hardest labour, is it excessive or not ?—I should consider the diet decidedly excessive for any amount of work that could be got out of prisoners by any contrivance you could adopt.

2991. Is it your opinion that there is a limit to the quantity of work that can be got out of prisoners, as compared with ordinary labourers ? —Yes, and for this reason, that the warder who has to look after the prisoners is himself in fear of two things. First of all, if he reports many prisoners he will be thought to be rather inefficient as an officer in having to report them, and it will be thought that there is something wrong in his management of the prisoners ; and if he does not report them, or is disposed not to do so, the consequence is that the men soon get to know that they may do almost as they please, and they practically do, as I understand, very little work—not hard work. The men are a dangerous set of men to deal with, and the tendency of the officer is what I have described, and the consequence is that he does not get so much work out of them as he would out of ordinary labourers.

2992. You only speak, I think, from what you believe ?—Yes, it is a conjecture, and not a matter of personal experience, that for the labour to be got out of them the diet is excessive.

2993. Without reference to that, is it, or is it not, an excessive diet for prisoners who are working hard ?—That is a very difficult question to answer.

2994. But you have studied the question, have you not ?—Yes, but no amount of study that I could give to the question would enable me to answer it satisfactorily. A navvy, for instance, will eat a great deal of food, but he works very hard. He would probably eat more than the prison allowance.

2995. (*Lord Naas.*) Do you think he could eat much more than that ?—Looking at the dietaries that I have here before me, I have seen even more than that put down. I do not recollect the precise figures, but I know that a navigator is set down as eating more than that. But I consider that the diets in the public works prisons go beyond the necessity of the case. I believe that upon the Millbank dietary a healthy prisoner will do all the work which is required of

W. A. Guy, Esq., M.B.

27 Feb. 1863.

him, or is likely to be got out of him, and if carried beyond that—I only give it as a matter of opinion—I think that it may be considered excessive. We have men at Millbank who are fed upon this diet, and who do a good deal of hard work in and about the prison.

2996. I suppose that some men have greater powers of consumption than others?—Certainly.

2997. Do you not think it is necessary to have the same diet for all the prisoners who are in health?—It is not necessary, but it is extremely convenient. It would be very embarrassing to be obliged to separate prisoners in the same prison into groups, according as they differ from each other in their degrees of health and vigour. In the paper which I read last summer before the Social Science Congress (it is published in their transactions), I have shown that there is a great variety among the prisoners in this respect, and I think it important that I should state what that variety is. The convict population consisted on the 31st March 1862 of 5,952 men, and 1,218 women, who were thus described: of the men four per cent. in round numbers were men of weak mind, insane or epileptic. Then there were the scrofulous—prisoners marked with scrofula on the neck or other parts of the body—and persons suffering from chronic diseases of the lungs, &c., amounting to 11 per cent. Then there were also persons suffering from deformities or defects, either congenital or acacquired, amounting to nearly 25 per cent. Then there was a very small number of malingerers, that is, persons pretending to be ill. Those who were not suffering from any infirmity or defect amounted to 60 per cent. We have, therefore, to provide a dietary which shall not be wholly unsuitable to this mixed population: and the difficulty is that we are not authorized to separate them into groups, but must treat them together, so long as they are not subjects for the infirmary. This is one difficulty in establishing a proper prison diet.

2998. Of course, to those actually in the infirmary the surgeon gives a diet appropriate to their condition?—Yes, any diet that is deemed necessary for a prisoner is given in the infirmary, and not only any diet but almost any article of diet which we deem necessary. It is always prescribed as if the convict in the infirmary were in an hospital out of doors.

2999. How long has the invalid prison at Woking been established?—I do not remember that with accuracy, but I think for about two years.

3000. Is that prison set apart for those who are seriously ill?—Yes.

3001. Those who are less unhealthy are sent to Dartmoor?—Yes.

3002. (*Chairman.*) One of the great difficulties you have to deal with is in finding a diet which shall suit the different classes of prisoners?—Yes.

3003. Would there be, in your opinion, any great objection to having three or four different dietaries on which a prisoner, according to his condition, should be put by the medical superintendent?—I think there would be a difficulty, because those who, although marked with scrofula, and suffering under deformities or defects, are at the moment in health, and not subjects for the infirmary, must be placed with other healthy prisoners; it would be very inconvenient in large establishments to have many dietaries going on at the same time.

3004. You do not think that there would be an advantage in having some greater variety of dietaries upon which the medical man might put the different prisoners, according to their condition?—I think not. I think it better to find a suitable dietary which will serve for one with the other, provided they are not ill, but only of weakly constitutions.

3005. (*Lord Cranworth.*) Would not a difference in age make a dif-

ference in the dietary that is necessary?—There again a difficulty arises, but the prisoners are most of them between 20 and 30, or 35; still, there is a great variety of age in our prisoners. You cannot have diets to suit all the different groups of ages, but you must lump them together; it would lead to interminable confusion.

3006. Probably the average diet is more than is necessary for some and not so much as is necessary for others?—Yes, that is true; but if we can trust to a rude and rough, but very precise, test, that of weight, our present diet is sufficient for two very distinct classes of prisoners, mat makers and tailors. I had 25 men weighed who were engaged in mat making, and I had 25 other men weighed who were employed as tailors. The mat makers do the hardest work, and the tailors, perhaps, the lightest work that is done in the prison. They had all the same prison dietary, all of them were healthy, none of them were suffering from any sickness. I had them weighed week by week for five weeks consecutively, and I found at the end of the five weeks that the mat makers had gained, one with another, on the whole, 1 stone 6 pounds (25 of them in five weeks); and that the tailors, who do lighter work had gained 2 stone $7\frac{1}{4}$ lbs. amongst the same number. They had both gained. Therefore, as far as those experiments go, there is a presumption that the dietary was good enough for both, for the mat makers, who had the heavier work to perform, and for the tailors, who had the lighter work to perform. The tailors gained, on an average, about a pound a piece; the mat makers did not increase so much in weight, but both did increase in weight, which is an important fact. That was at Millbank.

3007. Is it usual for the prisoners in general to consume all their allowance, or do some of them leave a portion of it?—There is a little bread left on the women's side, and a little occasionally on the men's side, and that is put into the broth the following day; but, generally speaking, they consume the whole. There is a little surplus bread on the women's side.

3008. (*Lord Naas.*) They cannot, I suppose, share it with each other?—No, unless they are in association, and then if one leaves a bit another will eat it.

3009. (*Mr. Waddington.*) Generally speaking, it is all disposed of?—Yes, but that is no test of the sufficiency of the diet, or the reverse.

3010. (*Mr. Walpole.*) Do you know anything about the quantity of food which the labouring population in the different parts of the kingdom have, either out of doors or in the workhouses?—I have a return with regard to the workhouses, and I think it is important that I should lay it before you.

3011. Can you give the Commission a comparative statement of the amount of food which is given to persons in workhouses, as contrasted with that which is given in prisons?—Yes; I have before me a short table in which the dietary at Millbank and Pentonville is compared with the dietary recommended for the county prisons by the Home Office (that was under Sir James Graham's régime). I have also the dietary which I understand to be that of soldiers on home service, and of seamen in the royal navy, and that of paupers. According to the dietary recommended for the county prisons, prisoners were to have 154 ounces of bread per week which is the scale at Millbank (22 ounces a day). That, I think, excessive. It was retained at Millbank instead of the 140 ounces given at Pentonville, because the site of Millbank was thought to be unhealthy.

3012. Have you got the table, which is now printed, containing the model rules?—I have taken the figures from the return of 1857, and there

W. A. Guy, Esq., M.B.

27 Feb. 1863.

has been no change since that. The quantity recommended for the county prisons was 154 ounces of bread per week, and 16 ounces of meat per week; that is, four ounces for four days of the week. At Millbank 35 ounces are allowed, and at Pentonville 28, with a rich soup. The potatoes are the same in all cases, 112 ounces, making, for the county prisons, a total of 282 ounces of solid food per week, as against 280 at Pentonville, and 301 at Millbank. In all the dietaries the gruel, cocoa, and soup are about the same. Then the allowance of the soldier is 280 ounces per week, of the seaman 280 ounces per week, the total being the same as at Pentonville. With regard to the paupers, I have six or seven returns before me, and I will take one as an example. At Paddington the total quantity of solid food per week is 171 ounces.

3913. (*Mr. Walpole.*) 171 ounces of solid food, as against 280 ounces in Pentonville prison?—Yes, and against 282 ounces recommended for the county prisons. The paupers have a total of solid food of 171 ounces.

3914. Then they have a smaller amount of solid food by at least 100 ounces?—Yes, about that—rather more than that. I have a summary, which I think the Commissioners might like to have, showing the results in the case of seven of these workhouses, and the general result is, that there is a greater variety of elements in the pauper than in the prison diets. Although the pauper dietary is considerably less in amount in all the workhouses, there are more elements entering into the pauper than into the present prison diet, which is more monotonous, although it is more abundant.

3915. What shape does the variety assume?—I find that besides giving, as in the convict prisons, bread, meat, and potatoes in a certain quantity, they have suet pudding. There is also pea soup, broth, and butter allowed in small quantities in the workhouses, or they have cheese in small quantities, and tea occasionally, and a few little things of that sort. Then the majority of the prison diets consist of three solid elements and three liquid elements, while the pauper diets consist of three or four solid elements and two, three, four, or five liquid elements. One diet consists of as many as 11 elements altogether, that is to say, six solid elements and five liquid elements. There is more variety, but there is less quantity.

3916. (*Lord Cranworth.*) Do you think that it is ordinarily more or less nutritious?—It is less nutritious decidedly.

3917. Do you think that the variety makes it less nutritious?—No; the quantity is so much less that it must be less nutritious. But it should be understood that the pauper dietary to which I am referring is that of the able-bodied pauper, and he has comparatively little work to do; it is assumed that the prisoners do more work than paupers.

3918. (*Mr. Walpole.*) According to the returns, taking the allowance to be 100 ounces less of the solid elements in a week, the average quantity which a pauper receives of solid food is very nearly one pound a day less than a prisoner receives?—Yes, very nearly.

3919. Is the diet which is given to a pauper generally sufficient to keep him in good health, or do you think he ought to have more?—I have not had sufficient experience among paupers to be able to answer that question. I have not heard that there has been any outbreak of scurvy in the unions.

3920. A deficient diet for persons in that condition of life would show itself in scurvy, if in any way?—Yes; I have met with several examples of scurvy breaking out in consequence of insufficient diet, especially where there has been an omission of the potato element which is so essential.

3021. (*Mr. Waddington.*) Do you happen to know the average length of time that an able-bodied male pauper remains in a workhouse ?—I do not know that.

3022. Have you considered whether imprisonment for a considerable length of time in Millbank or Pentonville prisons would make a more nourishing diet necessary ?—I have considered that question.

3023. Will you be kind enough to favour the Commission with your opinion ?—I think it is not necessary to increase the diet allowed in Millbank prison, even if the prisoners were in the habit of remaining in that prison longer than they do.

3024. But I mean generally whether imprisonment for a long period of time in Millbank or Pentonville prisons would make a more nourishing diet necessary ?—The general question is a very difficult one to answer. I am not satisfied upon that point, as to whether the effects of imprisonment on the body and on the mind are to be counteracted by a more liberal diet.

3025. But you have considered that question ?—Yes.

3026. (*Mr. Walpole.*) And you have not made up your mind upon it ?—No.

3027. (*Mr. Waddington.*) You are aware, no doubt, that that question was very much considered at Pentonville by many eminent medical men ?—Yes, I am aware of the experiments that were made there, and I think it necessary to state to the Commission that the experiments made at Pentonville prison ought not, in my opinion, to be deemed conclusive. I consider it very important that I should state that.

3028. What are your reasons for thinking so, for the matter was investigated by Sir Benjamin Brodie and Dr. Fergusou, and the results, I think, appeared to them to be quite conclusive ?—Yes, but to my mind they are not satisfactory, and I must ask the Commissioners to judge for themselves. I will give them my reasons for thinking that they were inconclusive ; at the same time, I wish it to be understood that I have a great respect for the gentlemen who conducted those experiments. The experimenters adopted this plan—they weighed the prisoners at the end of a month, after having kept them upon a certain defined diet, and they had five experimental weighings of groups of prisoners. The particulars are to be found in a paper that was sent in by Mr. Bradley to Sir Joshua Jebb. I am quoting from page 20.

3029. Mr. Bradley is, I believe, the medical gentleman at Pentonville Prison ?—Yes ; the first experiment was made with a dietary which it is not necessary to specify ; but the result was that 62 per cent. of the prisoners were found to lose weight under it ; they lost on an average 5 lbs. per man in a month; it was therefore properly assumed that that was not a sufficient dietary. They then had a dietary of a different kind, and under that dietary it was found that 43 per cent. lost 1 lb. and a fraction in a month,—that was more favourable. The committee were not satisfied with that, and they made a further change ; and experiment No. 3 gave 70 per cent., a higher proportion than the first, but the prisoners lost weight to the extent of $1\frac{3}{4}$ lbs., on the average. Then came experiment No. 4.

3030. (*Mr. Waddington.*) Was No. 3 a higher diet, with a still greater loss ?—No, a lower diet, there was less bread in it. No. 4 experiment consisted of these elements : 112 ozs. of bread per week (1 lb. a day), the same quantity of potatoes, 7 pints of gruel, $5\frac{1}{4}$ pints of cocoa, $3\frac{1}{2}$ pints of soup, and 28 ozs. of meat. They found that some of the men upon that dietary lost, at the end of a month, $1\frac{1}{2}$ lb. per man: there were 22 in 100 who had so lost. Not satisfied with that result, they therefore made a last experiment, No. 5, in which the quantity of bread was increased

W. A. Guy, Esq., M.B.

27 Feb. 1863.

from 112 ozs. to 140 ozs.; that is to say, the present allowance in Pentonville prison. They retained the potatoes at 7 lbs., the gruel at 7 pints, the cocoa at 5¼ pints, the soup at 3½ pints, and the meat at 28 ozs.; the only change that was made was in adding 28 ozs. of bread per week. Under this diet they arrived at the conclusion that 16 per cent.—very little less than in the former experiment—had lost also 1½ lb. in weight. Now I submit to the Commission that a series of experiments should have been made with intervening quantities, between 112 and 140 ozs. of bread, and this omission in the experiments is what I think vitiates their value. I think it would have been better to have carried the experiments further before determining that 140 ozs. of bread was the proper quantity to be allowed.

3031. (*Mr. Walpole.*) Was any record made during those experiments of the additional weight which those whose weight had not been diminished had gained?—Yes, and the particulars are given in the original report, of which Mr. Bradley's paper is an abstract. But for all practical purposes the per-centages of men losing weight in the last two experiments are sufficient. In the fourth experiment 22 in the 100 lost, one with another, 1½ lb. In the fifth experiment 16 per cent. lost the same quantity.

3032. But what was the case with the others?—Some of them had remained stationary, and others had increased in weight.

3033. (*Mr. Waddington.*) The result satisfied the experimenters that the last dietary was amply sufficient?—Yes; but I am bound to say, as an experimenter myself, that I should not have been satisfied with that result. I think it is right to say so. I think that some further experiments should have been made on quantities between the 112 ozs. and the 140 ozs.

3034. (*Mr. Russell Gurney.*) You think, perhaps, that they may have had too much, and that they lost in consequence of that?—No, I do not think that. Men lose and gain weight quite irrespective of the sufficiency or insufficiency of their dietary.

3035. Does it appear what became of the other 78?—Yes; In the original report there is a statement giving a general broad result.

3036. (*Mr. Walpole.*) The effect does not merely depend upon the dietary, but upon the characters and dispositions of the men?—It does not depend entirely upon either of these, but upon causes which are beyond our power to ascertain, perhaps. I do not mean to say that there is anything which could not be ascertained by very well-devised experiments, but I think it is almost beyond our power to ascertain what all the causes are. I will, with the consent of the Commission, refer again to the experiment I have already quoted that was made on the 25 mat-makers and the 25 tailors.

3037. (*Mr. Waddington.*) I believe they all increased in weight?—Both classes increased on the average; but I should like the Commissioners to know how they went on from week to week, because it is practically important. I may state, in general terms, that I weighed them every week for five weeks, and I found that there were certain changes which took place from week to week, the diet remaining the same, and the labour the same: for example, the mat-makers would increase in weight the first week, diminish in the second, and increase in the third. The tailors would not be affected in exactly the same way; they would have their own order of increase and decrease. The mat-makers gained in the first week, and lost in the second week; they gained in the third week, lost in the fourth week, and gained in the fifth week. The tailors gained in the first week, and gained in the second week, the mat-makers losing; they lost in the third

week, the mat-makers gaining; and they lost, both of them, in the fourth week, and both of them gained in the fifth week. Therefore it is possible that in these weighing experiments we may happen to light upon a period which is favourable to one view or another of these cases. It is necessary, therefore, to repeat these experiments frequently, and to be cautious in drawing inferences from them.

3038. (*Chairman.*) A great number of circumstances quite independently of the diet affect the increase or the decrease in the weight of prisoners?—A great many circumstances. What they are we do not quite know; the state of the weather would obviously have its effect; for instance, if the atmosphere were loaded with moisture, the body would probably gain during that time, and if in the opposite condition, very likely the body would lose.

3039. (*Mr. Walpole.*) Still the broad fact remains, that an able-bodied pauper in a workhouse receives 100 ounces of solid food less than a convict in prison?—Yes, according to the seven returns that I have been able to obtain from the Poor Law Board, when compared with the allowance in county prisons.

3040. Are you able to account for the giving of food to convicts in apparently so disproportionate a quantity by the extra quantity of labour they have to perform, or by any other circumstances connected with their condition?—My belief is, that an able-bodied pauper does scarcely anything, and that he may be presumed to be practically idle, whereas a prisoner may be always assumed to be doing some work.

3041. And you think that he requires extra food to enable him to do the work?—Yes, something extra. I cannot say what extra; nobodp can answer such questions as these.

3042. (*Chairman.*) Are you acquainted with the ordinary diet of the agricultural labourers?—I have been living in town so much that I can only judge by occasional visits to the country. I know one village well, and I am acquainted with the sort of diet which they have there.

3043. Taking that case with which you are acquainted as an example, is the diet of those agricultural labourers equal to the diet of the Portland prisoners?—No.

3044. Is it very short of it?—Yes.

3045. Is the work done by those agricultural labourers equal to that which is done by the Portland prisoners?—I can only give an opinion from what I hear. I think it is much greater. Agricultural labourers are very hard-working men, and I think that the labourers at Portland are not very hard-working men.

3046. I suppose there are depressing circumstances in separate confinement which may make a more generous dietary necessary; but are there any such depressing circumstances when the prisoners are working out in the open air for a great part of the day?—The only depressing circumstance connected with them would be that they are prisoners and not free men. I know of no other except that—otherwise matters would be cheerful enough with them.

3047. Is there anything that you are aware of to account for the necessity of feeding them very much better than ordinary labourers?—Certainly not; I can imagine no reason whatever for doing so.

3048. Do you think that further experiments ought to be made in order to ascertain whether a dietary might not be hit upon for prisoners employed on public works nearly approaching to the dietary of free labourers, and then to see whether it would answer in preserving their health?—I think that the subject is one deserving of experiment, and that such experiments ought to be made.

3049. Do you think that there are articles of food which might be

W.A. Guy, Esq., M.B.

27 Feb. 1863.

used in these prisons which would perhaps be less agreeable to the prisoners, and so make the diet rather more penal, but at the same time sufficiently nutritious?—I do not think that there are any that are less palatable than those they now get. I would mention one matter, which I have not yet spoken about—I am firmly of opinion that the first principle in all dietaries without exception is, that there should be a proper amount of potatoes; the dietaries should always have a sufficiently strong potatoe element. I think that if any advice were given from a central authority on the subject of dietaries, it should be always insisted upon that there should be 1lb. of potatoes per day for each prisoner.

3050. At all times of the year?—Yes.

3051. Do you think that would be advisable at the beginning of summer, when the potatoes are going off?—I am not speaking of seasons of scarcity or difficulty, but I am presuming that they can be obtained at not a very high price.

3052. Are not potatoes a little later in the year much less nourishing than in the earlier part of the year?—Yes; but it is not that to which I am now referring; it is the anti-scorbutic quality of the potatoe which is so important, and I could show, by several cases in point, that whenever the potatoe element has been decidedly deficient, scurvy has broken out. Dr. Baly supports the same principle as the result of his examination of the dietaries of prisons and workhouses in which the scurvy had broken out, and he thought that from three to six pounds of potatoes should be given weekly as a part of every diet.

3053. Are other vegetables not equal to the potatoe in that respect?—Other vegetables will answer the purpose, but the potatoe is the most convenient to be given to masses of men, and it is the one which, as a general rule, can be most constantly given.

3054. Do you think that there is an insufficient quantity of potatoes in the present dietaries?—No; I think that 1 lb. a day, which is given in most of the dietaries, is sufficient; but it should be considered a *sine quâ non*, either that or its equivalent in other vegetables. The potatoe should be made the starting point in all dietaries. The next point that I would urge is, that instead of using in the prisons the ordinary white bread, which is made of the best seconds flour, brown bread should be used.

3055. (*Lord Cranworth.*) You mean bread with all the bran in it?—Yes; either that, or bread made of flour from what is known as "decorticated wheat." The outer portion of the grain which enters into the whole flour as one of its constituents is more supporting and more nourishing than the mass of the flour, and it is very inexpedient, I think, to take it out. I am of opinion that it is desirable in all prisons, without exception, that they should grind their own wheat, for there is a want of labour. In many prisons, where prisoners ought to be put to hard labour, it is hardly possible to find work for them, and this grinding process, with the pumping of water or similar kinds of labour, would add to the general amount of labour in prisons, and effect great economy too.

3056. (*Chairman.*) Are you not aware that a great deal of skill is necessary to produce good flour, that a great deal depends upon the proper mixture of different qualities of wheat, and that the operation could not probably be easily carried on in a public establishment?—I do not see any reason why that mixture of wheats should not be defined which is most suitable for prison use; the persons who now mix them would be able to define what the mixture should be.

3057. (*Lord Naas.*) The making of whole meal would not be so difficult as making flour?—There is no practical difficulty. A cheap

and compact machine was shown in the Exhibition which would not occupy more than the space covered by this map (*pointing to a map on the table*), and which could be purchased for from 30*l.* to 60*l.* The grinding stones consist of a solid and a hollow cone, working one upon the other, and the machine is so compact that it might be put upon this table and grind the food required for a whole prison without difficulty. I have seen it in action and there is no difficulty about it. But upon medical and economical grounds, I think that it is very desirable to substitute whole meal bread for the white bread that is now in use. It is very wholesome and more nutritious—you may give less of it and have a better result.

3058. (*Chairman.*) Indian corn, I believe, is used to some extent as a penal diet?—Yes, Indian corn meal is used as a penal diet in the penal class. The prisoners have for breakfast 10 ozs. of oatmeal made into a large mess of porridge ,with 10 ozs. of milk ; they have at supper 12 ozs. of bread by itself, and at dinner they have 10 ozs. of Indian corn meal with 20 ozs. of milk made into a very good pudding, and eight ozs. of potatoes. That is the penal class diet.

3059. They have no meat at all?—No.

3060. Are they sometimes kept a considerable time upon that diet? —For a long time. I have brought notes of some cases with me, thinking that an important point. On the average we have about 15 men on penal-class diet and about 20 women. I can give instances both of men and women who have been for long terms upon penal-class diet with very short periods of interruption ; the periods have not been absolutely continuous, but the interruptions have been very small, the prisoners having been now and then a little out of health. There was one man who was for nine months continuously upon that penal-class diet.

3061. Without any meat at all?—Yes ; I have very important evidence to give the Commission upon this kind of dietary.

3062. What was the effect upon the health of that man?—He is in extremely good health and as troublesome as he is healthy.

3063. Is not meat very much valued by the convicts generally, and do they not attach the idea of luxury to it?—I do not think so, especially when they have the same meat every day, they then get tired of it.

3064. Is the Indian meal diet a less expensive diet than the other? —Yes, I think it is ; a good deal of milk enters into it, but the Indian meal is cheap ; I have not calculated its cost, but I think it is a cheaper diet than the other diet.

3065. There is a considerable quantity of oatmeal in that diet, is there not?—Yes, 10 oz. for breakfast.

3066. In what shape is it used, as porridge?—Yes, with 10 oz. of milk, and a very fine mess it makes, a very large and satisfying one.

3067. That is a very nutritious article of food, is it not?—Yes.

3068. Might it with advantage be more largely used instead of other articles of food at Portland and other public works prisons?—I think it might be more largely used if it were found more economical, because that is really the only question.

3069. It would be perhaps less attractive?—I do not think that; I think that it is more attractive than the meat diet ; there is a good deal of milk in it ; it makes up into a very nice mess, and the prisoners like it very much. There are other cases : a second of seven months, and a third of 18 months on penal-class diet.

3070. (*Lord Cranworth.*) What was the effect upon the man who

W. A. Guy, Esq., M.B.

27 Feb. 1863.

was 18 months on that diet?—He is in very good health, and gives a great deal of trouble. They all belong to the troublesome class. Another was 11 months, another 15 months, another 14 months, another 18 months, and another 17 months on this diet. Then there are cases of women who have been upon penal-class diet for 14 months, 18 months, 10 months, 11 months, and nine months, and they are all of them in unimpaired health. We weigh the women in the penal class every month. I have here a return of these weighings; it comprises a large number of women, and I find that, as a general rule, they remain stationary; one or two women lose weight, and one or two gain weight, but the general tendency is to a slight increase.

3071. It would seem as if the penal diet was most healthy and agreeable?—Yes; and that is one of the many mistakes which have been made in the matter of dietaries. I do not know who is to blame for it, but there has been great timidity felt lest the prisoners should suffer from any change of diet.

3072. (*Mr. Waddington.*) I believe there is a punishment diet besides a penal diet?—Yes, bread and water only, and the dark cells, which, generally speaking, is not any punishment to the women, for they like to be in the dark cells. There are women in the adjoining cells to whom they can make themselves heard by singing, shouting, and screaming.

3073. But the bread and water, I presume, is a punishment to them all?—The women do not care about bread and water for three days, nor the men either. They will bear it for a longer time without caring much about it. I have known one prisoner, who by his own choice ate nothing but bread, and drank nothing but water, for months together, and he was in very good health too. I would not suggest that for every prisoner, but he was not a weakly man.

3074. (*Chairman.*) I presume that bread and water diet cannot be long continued, generally speaking, with safety?—I should say not.

3075. But do you think it might be continued longer than at present?—I think there is no reason why it should not be continued for some such time as three weeks or a month. I think there would be no harm if every prisoner who was sentenced to less than a month was put on bread and water wholly, and if every prisoner whose sentence exceeded a month was put on bread and water for the first month.

3076. Would it be felt as a severe infliction?—Yes, I think the extreme monotony of it would be felt as a punishment.

3077. (*Mr. Walpole.*) Do you think their health would stand it, considering the sudden change?—Yes, I think so. I do not think it would be affected in that period of one month. It would in many months.

3078. (*Lord Cranworth.*) Do not agricultural labourers, who have a smaller quantity of food, get beer?—Yes, they do.

3079. Does not that, in some degree, serve to make a smaller quantity of food more nourishing?—Yes, there is no doubt that a variety of diet is better, upon the whole, for all persons than a monotonous diet. Among agricultural labourers there is a little supplementing of their diet in that way; but I think the dietary of agricultural labourers is extremely monotonous. There is one fact of so much importance that I think the Commissioners ought to have it brought before them. It is recorded in a report made upon the epidemic that broke out in Millbank prison in 1822—the great epidemic of scurvy and dysentery which followed the reduction of the diet, and the leaving out of the potatoe element. It is the evidence laid before the Commissioners by the Governor of the Devizes House of Correction. The governor distinctly

stated that the dietary of that prison agreed well with the prisoners, and that no loss of strength was noticed; that no prison could be more healthy; and he added, "There is not now, nor has there been, any case of scurvy." That was in 1823. The prisoners were kept on this diet for various periods up to 18 months—many of them for six months and more. It is not stated what their labour was during that time, whether it was hard labour or not; but this diet consisted of 196 ounces of bread per week, and 112 ounces of potatoes, that is 1 lb. a day, giving a total of solids of 308 ounces in the week. There was only in addition to that seven pints of gruel.

3080. (*Chairman.*) And no meat at all?—No; on Wednesdays and Fridays vegetable soup was substituted for potatoes, so that the diet consisted of $1\frac{3}{4}$ lbs. of bread a day, 1 lb. of potatoes, a pint of gruel, and on two days in the week, in lieu of the potatoes, a vegetable soup, with no meat; and the weight of 38 of the prisoners was given. They had been weighed on their entering into the prison, and on their discharge; and it was found that after two weeks, or after periods varying from that to six months 27 of them had gained in weight, two of them had lost, and nine were stationary. The average gain in weight was 3 lbs. per man. Two other prisoners after 18 months had gained, on an average, 6 lbs., and 20 prisoners, who were confined for 12 months, gained on an average 5 lbs. at the end of the 12 months. Four other groups of prisoners, confined during six months, three months, two months, and one month respectively, gained on an average, 3 lbs., 3 lbs., 2 lbs., and 2 lbs. The whole number weighed amounted to 292. But there was no meat at all in that diet.

3081. Do you attribute the circumstance of their bearing that diet without scurvy or any other disease showing itself, to the element of potatoes in the diet?—Certainly. If they had not had a good element of potatoes in the dietary they would have had scurvy with such a diet.

3082. (*Lord Naas.*) Was there no potatoe element in the Millbank diet when the scurvy broke out?—None. In Millbank the dietary which was reported as being excessive, contained only three ounces more of solid food per week than the present dietary does; and the men under that dietary were said to be getting plethoric, and to be suffering from fulness of blood. That dietary was reduced, not by the medical superintendent but by the committee. The bread was retained, but the meat element was reduced from 24 ounces down to nothing, and the potatoes were entirely abolished; the pound of potatoes per day was given up.

3083. (*Mr. Waddington.*) The potatoes went with the meat?—Yes, and the result was a frightful epidemic of scurvy and dysentery which raged in the prison among the prisoners.

3084. (*Chairman.*) The contrast between the results in Millbank at that time, and at Devizes, confirms your opinion that potatoes are a very necessary element of prison diet?—It does; it is most essential that potatoes, or something equivalent to them, should always exist in a dietary, and it is dangerous to omit that element. Dr. Baly, as I have already stated, from very minute inquiries made in prisons and workhouses, came to the same conclusion, and he thought it essential that from three to six pounds of potatoes should be allowed in all dietaries every week.

3085. (*Lord Cranworth.*) If you could get other vegetables as easily and as cheaply as potatoes would they not do?—I do not think there is any vegetable which would quite take the place of potatoes, potatoes seem to be particularly suited for the purpose.

3086. You mean, I suppose, something that is farinaceous and nourishing?—The potatoe contains a good deal of starch, and a certain

W. A. Guy, Esq., M.B.

27 Feb. 1863.

acid in combination with potash which is known by experiment to be a cure for scurvy, and therefore may be supposed to prevent it.

3087. Might they not have onions ?—The onion is rather too savoury to be largely used in prisons, but it is very nutritious, and would have the effect of preventing scurvy.

3088. I suppose the objection to it is, that the onion is rather attractive and savoury ?—Yes, and it has a strong flavour, it would scent the entire prison from one end to the other. I can give the Commissioners, if they wish it, an account of the dietaries used in the different county prisons. If we take the element of bread, we find that these dietaries vary very much, from a minimum of 30 ounces a week to a maximum of 224 ounces, and they exhibit all sorts of figures—from 30, 36, and 68 ounces up to 224 ounces, which is the largest quantity ; one large group, which includes Newgate, shows 168 ounces. The Middlesex prisons and Wakefield prison show 140 ounces. The return of 224 ounces is from Huntingdon ; that is extreme, and almost incredible. If we take the element of meat, it is found that that varies from nil through 6, 8, 12, 18, and so on to 25 ounces in a week. If we take the element of potatoes, it varies from 24, the least quantity, through 32, 56, and other numbers, up to 112 ounces, that is one pound a day. The total of the solid elements of bread, meat, and potatoes taken together vary from a minimum of 100 to a maximum of 340 ; but when the total quantity is the smallest, the dietary is improved by the addition of oatmeal and milk, with which they make porridge, or by Indian meal, or by suet pudding. I find that 42 county prisons have adopted the recommendations of the Home Office.

3089. Do you not consider pudding solid food ?—Yes, but I limit my comparison for the moment to those three elements. The Millbank dietary is in excess of that which is recommended for the county prisons by 19 ounces of meat, the dietary of the county prisons having 16 ounces of meat and three pints of soup ; we have no soup, but only the meat liquor served with the meat. The dietary at Pentonville prison consists of less bread by 14 ounces, an excess of meat by 12 ounces, and also an excess of strong soup, Pentonville prison having 280 solid ounces against the 282 solid ounces of the recommended diet. My object in making this statement is to show in general terms how very various the dietaries are throughout the country. It is extremely difficult to analyse them, in consequence of the different ways in which the returns are given in. There is very great variety.

3090. (*Mr. Waddington.*) Does the penal-class diet of women at Millbank, like that of the men, consist in part of the Indian meal ?—Yes, but the women's diet is slightly modified. There are some modifications in it which it is difficult to explain. I cannot give the reason for them. I have a return here which ought not to be passed over. It relates to the effect of solitary confinement upon the mind. Perhaps I ought to premise that although a prisoner at Millbank is in separation, he is not in unbroken solitude. I thought it right to ascertain, by appealing to facts, whether this system of separation tended more to produce unsoundness of mind than the system of the public works prisons. I accordingly extracted with care, from the annual reports of the convict prisons, the cases in which insanity was represented to have broken out in prison, and the cases in which it was alleged or believed to have existed prior to the reception of the prisoners. I have the figures for 10 years, and these are the results:—At Millbank and Pentonville prisons, taken together, in which the separate system prevails, in 35 out of 100 of those who became of unsound mind that unsoundness of mind was supposed to have commenced

within the prison. There were 46 in whom the unsoundness of mind was believed to have originated in the prison, against 86 in which the unsoundness was believed to have existed prior to their reception. At Portland and Portsmouth the proportion of cases believed to have originated in prison was 64 per cent. I did not expect to find these results, but finding them, I thought it was my duty to lay them before the Commission.

3091. (*Chairman.*) Can you state what proportion of the prisoners become insane, whether they have become insane in prison or not, as compared with the total number of the prisoners ?—I think it is rather more than two per 1,000—about one in 500 of all the prisoners.

3092. Of all those in separate confinement ?—No, of the whole body of the prisoners.

3093. You do not know whether a larger proportion of the total number of prisoners in separate confinement have exhibited symptoms of insanity than of prisoners employed on public works ?—No, I have not treated the question in that way.

3094. (*Lord Naas.*) When you say that more of the prisoners who become insane become insane on the public works than in Millbank prison, the period of detention on the public works is much longer than at Millbank, is it not ?—The period of detention is longer certainly, but these are annual returns of those who fall ill from insanity during each year.

3095. But in the case of the men employed on the public works they had probably been for a much longer period detained than at Millbank prison ?—Yes. No doubt the facts which I have just brought forward may be reasoned upon according to the view which each person takes of those facts; but my own impression, derived from them is, that there is not sufficient evidence to show that the system of separation in force at Millbank prison is productive of unsoundness of mind.

3096. (*Mr. Waddington.*) The separation is continued for nine months only ?—It is not so much as that; it is, on the average, about five months. At Pentonville prison it may be rather more.

3097. (*Chairman.*) You do not think that imprisonment for that duration of time weakens the mind at all ?—No; not that which they are subjected to in Millbank prison.

3098. Have you had any opportunity of observing the effects of strict solitary confinement in prison ?—No. The nearest approach to strict solitary confinement is among men and women who are put into the penal class on the penal-class diet.

3099. For how long, for a few days ?—The cases that I referred to went on for months together.

3100. But the prisoners are always seen, are they not ?—Always, but they are very much separated.

3101. Are they not seen frequently in the course of every day by the officers ?—Yes, they are seen every day, more than once—several times.

3102. (*Mr. Waddington.*) Does not the chaplain visit them occasionally ?—Yes.

3103. Does he visit those who are under punishment in order to remonstrate with them ?—Yes; he takes them in order. I do not know that he goes more frequently, but it is of little or no use to remonstrate with them. It is important to observe that I have now been at Millbank prison for nearly four years, and my own observation is that very few of the prisoners show signs of grief or depression. There are somewhat more women than men who do so, but they are very few indeed who show that they are sorry that they are there. One poor man did grieve

W. A. Guy, Esq., M.B.

27 Feb. 1863.

a good deal, and used to break out into fits of crying ; he had a wife and six children outside ; but that was the only case of intense grief that I ever met with. The women suffer a little more than the men.

3104. (*Chairman.*) But they are not excessively anxious to be released, are they ?—I should not say that they are ; some of them are very anxious to get transported, especially those who have received long sentences; they want to get away, and get a new chance in a new sphere.

3105. (*Mr. Waddington.*) Do you think that long confinement and employment on the public works is dreaded by them ?—No ; I think they prefer transportation, but I do not think they much dread anything.

3106. They have very little feeling of any sort ?—No.

3107. (*Lord Naas.*) You see no appearance among them of those ordinary forms of disease which are perceived in other persons caused by grief and misfortune ?—No ; a few of the women grieve. The women's domestic ties are perhaps closer, they are more broken down by imprisonment than the men, and their mortality is a little higher than amongst the men ; but the men are very favourably circumstanced in that respect. Some injury to health arises from the repeated punishments which the worst class bring upon themselves, both of the men and the women. It is impossible to shut up men or women in dark cells on bread and water over and over again without producing some effect upon their health. I may state to the Commission that I am a strong advocate for flogging on medical grounds, and because I consider it the most merciful punishment of which I have any knowledge. Unfortunately it applies only to the men. As to those women who are given to tearing their clothes and smashing their windows ; if they are put into a dark cell, they shout and sing and make merry. They know that there are prisoners not very far off them who can hear their noise, and they like to go on in that strange way: and I think that if it were possible to inflict upon them some short bodily pain, it would be much more merciful. In the case of the men I think that flogging is particularly advantageous.

3108. (*Lord Cranworth.*) What do you think of the stocks ?—Captain O'Brien told me in conversation that he thought it would be well to introduce the stocks, and I think it is essential that something of the sort should be adopted. Our difficulty now in the case of a woman, is this, that the worst punishment we can inflict upon her is to put her into a dark cell for three days with bread and water, and she comes out at the end of that time, and very soon goes back again. But she is always conscious that there are people in her neighbourhood who will be worried by her noise, and you cannot, unfortunately, put her anywhere where she will not be heard. She knows that the prisoners near her are rather interested in hearing her shouting and singing ; and what is wanted is to keep her in a cell where she will not be heard, or place her in the stocks. And yet another thing is wanted. If you put a woman into the stocks so as to prevent her from following her favourite amusement of lying on the floor, and drumming with her feet against the door, she still retains the use of her tongue, and will make a great disturbance, especially if she knows that the officers are sleeping near her, or that there are sick prisoners near at hand. I think, therefore, that the governor should have the power of ordering such a prisoner to be carried bodily away and put where she could disturb no one.

3109. (*Chairman.*) I thought you had at Millbank prison cells which were out of hearing ?—No, we have no such cells. They are out of hearing of the neighbourhood, but they are not out of hearing

of the prisoners. I have often wished that there could be such separate cells, but I have always been met by the statement that the expense would be too great. I mean cells that would be so isolated that a woman might know she was alone and disturbing no one.

3110. You think that it would be a great improvement in Millbank prison if there was a certain number of cells constructed in which refractory women should be confined, knowing that their noise would disturb no one ?—I think that it is very important to be able to do that in extreme cases. Indeed, no punishments are ever inflicted in Millbank prison except in extreme cases. Floggings take place about six or seven times in a year : they are very rare.

3111. There has been a recent restriction put on the power of flogging has there not ?—I am sorry to say that it is so. A soldier or sailor may, I believe, receive 50 lashes, but a prisoner, although he may be a far worse man and just as strong, can only receive two dozen.

3112. Has not the army cat been substituted for the navy cat ?—I think so. I ought to state, in order to remove any misapprehension, that it is my duty, although it ought not to be so, to be present at all the floggings. I am mistaken for the surgeon, who would do as well; but I am always there. I ought to state that I have never seen blood drawn even when 48 lashes were permitted to be given.

3113. (*Mr. Waddington.*) Who inflicts them ?—A very competent man, who does his work very well and honestly; he is one of the warders, and I believe was formerly a drummer in the army.

3114. (*Chairman.*) It is not then an effective flogging ?—Yes, it is quite effective. I do not want ever to see more than 50 lashes administered, but if a soldier or a sailor can receive 50 lashes, I should like a prisoner to receive as many.

3115. (*Lord Cranworth.*) Do you think that flogging has a deterring effect upon the prisoners ?—Yes ; and I wish particularly to express my deliberate opinion, and I have no objection to anybody knowing it, that flogging is the most merciful punishment that we have.

3116. It produces the most impression at the moment and it is over quickly ?—Yes. It is a merciful punishment for this reason, that a man who has made up his mind to be troublesome cannot be troublesome to us without being extremely troublesome to himself. If you put him on penal diet, as a punishment, he frets, and gets irritable, threatens every one about him, and sometimes strikes the officers. Such a man as that does not like to be flogged, and if he is flogged, it is very soon over and does not hurt him beyond the pain at the time. There is no risk about it, the medical man always certifies to that, and it works upon the man like a charm. He is happier afterwards, and he often becomes, from having been as bad and as troublesome as possible, quite a model prisoner. I mean a model prisoner in the sense of conforming to all the prison rules. Flogging acts like a charm with some of them.

3117. (*Lord Cranworth.*) And does no permanent harm ?—None whatever. As to degrading them that is impossible.

3118. (*Lord Naas.*) Have you never to send men to the infirmary for medical treatment after one of these floggings ?—Never in my experience of four years. They flog very rarely, not so often as I think they should on humane grounds.

3119. (*Lord Cranworth.*) For the women, do you think that the stocks would be useful ?—Yes, because, as I have stated, the women have a plan of drumming against their doors ; they lie down on their backs and kick as hard as they can, and disturb everybody about them, and there would be no harm in putting these women into the stocks. The poor officers, who sometimes sleep just above these women, cannot get

W. A. Guy, Esq., M.B.
27 Feb. 1863.

any sleep at night. The stocks would prevent that, and if after being put into the stocks they persisted in making a noise, the stocks should be carried to a place where their noise would be of no consequence.

3120. (*Mr. Russell Gurney.*) It has been stated that a very common offence on the part of the female convicts is to tear up their blankets and that invariably when they have done that, new blankets are given to them?—It was so at Millbank till lately.

3121. Is it not desirable that they should feel the bad effects of tearing their blankets?—I think it is desirable that a prisoner should always feel the effects of his own misconduct wilfully brought upon himself, but this he does not do at present; for the theory is that we medical men are bound to do all we can to prevent a prisoner from hurting himself; more than that, we have before us the fear of a jury if anything should happen, which jury would probably consist of the petty tradesmen of Westminster, and would be apt to contain at least some friends of the criminal class. A case has recently occurred of a prisoner convicted of a very serious offence who was not long since upon a jury; and he was very particular in his inquiries as to how the prisoners were treated.

3122. (*Chairman.*) You are no doubt well acquainted with the number of hours that the female warders are employed?—Yes.

3123. Do you think that the strain upon their minds and bodies from the amount of work expected from them is greater than it ought to be?—I think it is greater than it ought to be. I know that their work is extremely difficult and sometimes dangerous; it is very wearying work that they have to perform, and I am bound to say that I think they are not always sufficiently considered; I have oftentimes thought it right to make recommendations for an improvement in their quarters; and I do not think that these recommendations have been so promptly considered as I think they would have been if they had been prisoners and not warders. I consider it right to say this, though I know that there are difficulties in the way.

3124. It is of great importance, of course, to have really efficient warders?—Yes; it is of the greatest possible importance.

3125. Everything in prison discipline depends upon it?—Yes.

3126. Would it not be desirable, especially among the women warders, to have a few more of them, so that they could each in turn have a little more relaxation?—I think that is very important; there are not enough of them, nor of the male warders, and their hours of attendance are excessive. I think that there should be more in Millbank prison, and I have always thought so, for their hours of attendance are very long.

3127. (*Lord Cranworth.*) Are you aware that it is proposed to remove the females altogether from Millbank?—No. It is, I believe, proposed to remove all but a certain class of returned female convicts, whom we always have, and who are sent back to us from all the prisons. I think it is desirable to have Millbank prison devoted entirely to men. I should think it would be better to send all the females to Pentonville prison, and to have Millbank devoted entirely to men.

3128. What is the number of the female class altogether who are returned to you from other prisons?—We continually receive them; they come by driblets, every two or three weeks.

3129. How many altogether are there at the present moment?—We generally have in the prison about 20 women and 15 men undergoing penal class diet for misconduct.

3130. (*Mr. Waddington.*) The women come from Brixton, do they not?—Yes, and the men from all the prisons in the country—from

Dartmoor and the other prisons; they do not seem to be provided in the other prisons with the means of restraining and punishing their prisoners to the same extent as at Millbank prison.

3131. (*Lord Naas.*) Suppose it was thought advisable to continue the treatment in Millbank and Pentonville prisons for a longer period than at present ; I believe that 10 months are quite the outside that any prisoner is kept there ?—It is not so much as 10 months, practically at Millbank it is not more than seven months.

3132. But suppose it was thought desirable to extend that period of detention in Millbank prison, do you think that there would be any difficulty on the score of health in keeping the prisoners there ?—I think none at all.

3133. Can you form any opinion as to how long you could subject a prisoner to the dietary of Millbank and Pentonville prisons without injuring his health ?—I think you might subject him to it for a year, certainly, and possibly for more than that, but it is a very difficult question to answer without experiments to guide one ; it must be the result of observation, but I should say that it would be perfectly safe for a year, and probably for a longer period.

3134. (*Chairman.*) You mentioned some time ago that your impression was that there was no very hard labour got out of the prisoners on public works ; can you inform the Commission from what you derive that impression ?—Mainly from reading, and from conversation with persons who have been at the public work prisons. I had a conversation only yesterday with a gentleman who had seen what was going forward at Portland, and he spoke in very disparaging terms of the work done.

3135. You have not derived that impression from conversations with convicts who have returned ?—No, I should not obtain it in that way. There is one other matter as to punishment which I think it important to bring forward, as I have had some experience of it. The Commission are aware that all cases of suspected insanity are sent to the infirmary, in order to have them put under our observation, and that we may determine whether they are of unsound mind or not. It is often very difficult to do so, and for this reason, that a very perverse and wicked man will put on what would be incredible to anyone else, and will do things which would be taken as certain evidence of unsoundness, if done by any person outside. I could give many examples of this; but very early in my prison experience there was a man there who was reputed to be the worst man they had had for a long time. Dr. Baly had had him under his care, and he had called in Dr. Munro, I think, as many as three times to determine whether he was mad or not. His conduct had been brutal and disgusting in the extreme. My impression was that he was not mad, and I adhered to that impression. After talking to him frequently, and trying to persuade him to behave better, but without effect, I said, " This has been going on so long that I think " something ought to be done." One of the things which he would not do was to take exercise, and he would not work. I said, " Let " us see what can be done with this man," and I waited upon the director and asked him if he had any objection to carry out this principle with him, that on the day on which he refused to take his exercise he should have no dinner ; that the matter should be left entirely in his own hands, to have his dinner or not, according as he took exercise or not. And as he was a very bad character, and had made several assaults upon the warders, and had used most blasphemous and wicked language, I ventured further to suggest to the director that he should be threatened with a flogging if he indulged himself in another outbreak.

W. A. Guy, Esq., M.B.

27 Feb. 1863.

But it was not easy to persuade the director that this should be done, because I believe that these contingent punishments are not exactly legal; at all events, there was some doubt about it; but I pressed it very much in this case, and it was done, and the result was that on the first day when he was invited to take exercise, he refused to do so, and lost his dinner. On the following day, he said, "If I cannot have my "dinner on my own terms, I will starve." I said, "I think you will "bear starvation very well," and he took to starvation; but on the Sunday, when his dinner was brought to him, he could not resist it, and he ate his dinner. On the following day, Monday, he re-commenced the system of starvation, but he soon gave it up, and he went out to exercise; coir was put into his cell, which he picked; and from that time for more than two months he was as well conducted a prisoner as we ever had in the prison. That was by letting him determine his own fate by his own conduct. If, as I understand it, such contingent punishments are not legal, I think they ought to be legalised. Contingent punishments are, in my opinion, the best of all punishments in certain cases.

3136. (*Lord Cranworth.*) What do you mean by "contingent punishments"?—That you shall say to a prisoner, "You do a certain thing, and you will have to take a certain consequence." I mean without bringing the offence each time before the director.

3137. (*Chairman.*) That is because the governor has not the power of ordering punishment without the authority of the director?—No; I believe there is some doubt about the director himself having power to order these contingent punishments.

3138. But that depends upon the rules of the Secretary of State, does it not?—Yes, and I think that there ought to be, in a matter of that kind, a little more latitude.

3139. You are aware, no doubt, that with regard to flogging it cannot be inflicted by the order of the governor, but it requires the authority of one of the Directors of Convict Prisons?—I am.

3140. Is it your opinion that that at all interferes with the utility of the punishment?—I do not think it does materially; prompt punishments are better than others, but I do not think it of importance. It is of great importance in the administrators of prison discipline that the authorities should not have too much power of acting on the spur of the moment.

3141. (*Lord Cranworth.*) The director at Millbank prison can be called upon at a moment's notice, can he not?—He attends only once a week to hear reports from the men's side.

3142. But if the governor were to send for him, saying that he wanted him to come immediately to adjudicate upon a case in which he thought flogging was necessary, would he not come?—I do not think that the governor would like to do that. In a case of flogging, I think the director should have power to say, "If you do a certain act you shall be flogged." I will give the Commissioners an example taken from the case of one of those men who have been kept on penal diet so long. His case has never been brought before us as showing signs of unsound mind; but it pleased this man to pass all his *excreta* upon his own dirty person, and the consequence is that a deserving warder has to clean him, or assist in cleaning him, as if he were an infant. This man does not care about the dietary punishment; it has been tried long enough, and it has failed. Now, if it had been said to this man, "Whenever you do "this you shall receive 12 lashes," I believe that he would have soon ceased to do it. It may be important that the Commissioners should know, and that the public should know, the extraordinary cases that we have to deal with. A short time ago, at one of my monthly in-

W. A. Guy, Esq., M.B.

27 Feb. 1863

spections, I observed a woman who was looking ill, and putting on an expression of great depression. She seemed to be low spirited, and asked to see me. Those who wish to see me are always able to do so, and to speak to me. I saw this woman; she was looking low spirited, and she had rather a weak expression of countenance. She was taken into the infirmary, and immediately began to pretend to be imbecile. She put on a look of imbecility, and never spoke except in monosyllables, or in very few words at a time. If she was washed in cold water, she would ask for more, and in a very idiotic, foolish way. All our tests failed to show whether she was of sound or unsound mind, although we were convinced that she was not; but we could not say that she might not be of unsound mind. For five months that woman voided her own *excreta* on her own person, having another prisoner to wash her; and at the end of five months she got tired of it, and confessed that she had deceived us; that she had been putting this on all the time, and she hoped she should not be punished. These are the cases that we have to deal with. Then, just to show the strange and eccentric acts of which prisoners will be guilty, a man was brought up to us who had sewn his mouth and eyelids up with a needle and thread.

3143. How did he get the needle and thread?—He had picked it up about the prison, and contrived to secrete it. He seemed to have no reason to assign for doing it except that he thought that he would not eat any more. Then again their acts of violence and insubordination are almost incredible; it is wonderful what they will do, and also what they will bear with the twofold object, of deceiving and annoying.

3144. (*Chairman.*) Do you not think that this extreme violence is rather inconsistent with what you stated some time ago, namely, that they do not grieve much over their punishment; does it not rather show that they do feel it very severely?—No, I do not think that that has anything to do with it; but on the contrary, that they are prompted by their perverse and irritable tempers to give trouble to those who are placed over them. The man who sewed up his mouth and eyelids was an Irishman. The outbreaks of the women may, perhaps, be caused by impatience of confinement; they feel their separation more than men do, and become tired of the inaction of the life they are leading.

The witness withdrew.

Major H. A. Sanford

Major Henry A. Sanford further examined.

3145. (*Chairman.*) I think you wish to correct an answer which you gave the other day?—Yes.

3146. What is the correction which you wish to make?—I was asked the question whether I had any knowledge of the memorial that was presented to the Duke of Newcastle in 1860, signed by Mr. Ross Mangles and 14 other gentlemen. I stated that I had no knowledge of that memorial, and such was my recollection at the time, but since then I have ascertained that my name was signed to that memorial, but that I had never seen it myself; I had been to the meeting when the memorial was adopted, but I came in after the memorial had been read; I was in the country at Hythe, and I happened to see that the memorial was to be presented, and was lying for signature in the city of London, and thinking that the memorial was different from what it really was, I authorized the gentleman acting as secretary at the meeting, to put my name to that memorial, but

Major H. A. Sanford. 27 Feb. 1863.

if I had seen the memorial and had known exactly the contents of it, I should not have allowed my name to appear, but I did not see exactly what that memorial was till after it was shown to me here the other day, and I should certainly not sign it now.

The witness withdrew.

Adjourned to Tuesday next at 12 o'clock.

Tuesday, 3rd March 1863.

PRESENT :

Earl GREY.	Mr. HENLEY.
Lord NAAS.	Mr. WADDINGTON.
Lord CRANWORTH.	Mr. RUSSELL GURNEY.
Mr. BOUVERIE.	The O'CONOR DON.
Sir JOHN PAKINGTON.	Mr. CHILDERS.

EARL GREY IN THE CHAIR.

Sir W. Crofton. 3 March 1863.

Sir WALTER CROFTON examined.

3147. (*Lord Naas.*) You were for some time a director of convict prisons in Ireland, I believe ?—Yes ; I was appointed to the chairmanship of the Directors of Convict Prisons in Ireland in October 1854, having for 12 months previously been one of the Commissioners who inquired into the state of the Irish convict prisons.

3148. Your appointment, I believe, was the result of the inquiries of that Commission ?—Yes, it was.

3149. The inquiries made by that Commission showed a necessity of considerable alteration in the mode of managing the convicts in Ireland ?—A very considerable alteration in their classification, and in all the arrangements connected with the prisons.

3150. Speaking generally, was the system that prevailed in Ireland previous to your appointment similar in most respects to the system that was at that time prevalent in England ?—So far as having a separate prison to commence with in the first stage, and associated labour in the second stage ; but it by no means equalled the system that was in existence in England, because there was a want of classification and other suitable arrangements in it.

3151. Will you state, generally, to the Commissioners the object that you had in view in altering the system that you found in existence when you were appointed to your office ?—In the first place, it was quite obvious that there was a great want of classification in the Irish convict prisons, and when I state that things were very much amiss in these establishments, I am far from imputing any blame to the gentleman who had been the inspector of convict prisons, because I feel sure that no one man could have made the reforms that were necessary at the time. It was imperative, in the first instance, to re-adjust the classification, and many matters of detail with regard to the Irish convict prisons; but after that work was completed, it was quite evident that there were some very important alterations to be made even with regard to the English convict system, because in 1853 an Act was passed which authorized the issue of tickets of leave to convicts under sentence of transportation. We were for the future to absorb at home a great number of convicts who were formerly sent abroad ; our third stage was thus obviously cut off. The colonies had been our third stage, and if a

third stage was necessary before the colonists gave employment to convicts, it was obviously necessary that a third stage in this country, in which there were many more temptations to relapse, should be introduced. The endorsement on the ticket of leave, which I will read, states that "1, the power of revoking or altering the licence of a "convict will most certainly be exercised in case of his misconduct; "2, if, therefore, he wishes to retain the privilege which by his "good behaviour under penal discipline he has obtained, he must prove "by his subsequent conduct that he is really worthy of Her Majesty's "clemency; 3, to produce a forfeiture of the licence, it is by no means "necessary that the holder should be convicted of any new offence; "if he associates with notoriously bad characters, leads an idle and "dissolute life, or has no visible means of obtaining an honest liveli-"hood, &c., it will be assumed that he is about to relapse into crime, "and he will be at once apprehended, and re-committed to prison "under his original sentence." The regulations as to the time at which we were to discharge convicts on tickets of leave were that in a sentence of seven years' transportation a man could be liberated in three years, in a 10 years' sentence in four years, and so on. Of those under detention a large number had already passed these periods, and the consequence of carrying out the English regulations would have been to have swamped Ireland with men of this class without any possibility whatever of their obtaining employment. It was not probable that, with a defective system of discipline in the convict prisons, an employer would give the ticket-of-leave convicts employment, and therefore we could not with any reason have enforced the conditions on which they were liberated; they would have been stultified both as regards the convicts and the public. Another course was therefore proposed to the Irish Government, which was very wisely acceded to, for until a system was introduced which would give confidence to the public, and open the avenues of labour to the convicts, we could not safely discharge them on tickets of leave. This course was, that we should liberate those convicts who had attained, with good conduct, the periods of time that were deemed by the Penal Servitude Act of 1853 adequate to former sentences of transportation, such as four years penal servitude for seven years transportation, and six years penal servitude for 10 years transportation, &c. The Government acted upon that view, and retained the convicts until these periods had expired, and then the well-conducted were liberated; meanwhile, the classification was altered, and the mark system introduced. Captain Knight, one of the directors of Irish convict prisons, who had had great experience in this country as governor of Portland and Portsmouth prisons, and had found the shortcomings of classification in the English public works prisons, instituted—I deserve no credit for it—this mark system, which has proved excessively valuable. I will enter into that system more fully when I go into the details of the stages. We had four points to bear in mind: first, we were to discharge convicts trusting that the community would meet us with regard to them, and must therefore train them so that the public would be induced to rely upon our tests and give them employment; secondly, we must protect the public during the time they employed them, by enforcing the conditions of the licences, which enforcement was found to be a protection in the colonies, and appeared to be urgently required at home; thirdly, and not the most easy task, to make the convicts fit for employment; and fourthly, to induce voluntary emigration as far as possible. In the first place, to induce employers to take rogues and thieves into their employment was a problem beset with difficulty; it certainly could

Sir W. Crofton.
3 March 1863.

never have been accomplished by releasing them from the ordinary prison doors, or without exhibiting them in some more natural state than had been hitherto the case, and this brings me to the great and important difference, as I hold it to be, between the English and Irish systems. It was found necessary to supplement the ordinary system of discipline by an intermediate stage; it was quite evident that, to the public, a convict of good character in prison and a good man were two very distinct things; for example, a prisoner in the absence of temptation might go on very well and earn a good character, the greatest rogue often does; but if you place him where he would be under temptation, and where he would not have physical control over him, and let the public see that you so far believe in your own tests of training as to undertake the responsibility and risk of placing him in that position, it accorded with common sense, as I think, that they would be more likely to employ him. It was an experiment, but it was based in my mind on reasonable grounds. The other great point of difference was the institution of supervision after liberation, and here I at once acknowledge what has been adduced against us, "that there "must have been very weak faith on the part of the directors in their "own system when they thought it necessary to supplement it by "supervision after liberation." I acknowledge, and I am sure that my colleagues would do the same, that I have a weak faith in any mere prison system, and, I think it is far better, both for the public and the convict himself, to check his prison conduct and the prison system by the infallible test of observation when he is at liberty. During the process of classification I had taken the pains to go through somewhere between 2,000 and 3,000 convict cases, and I satisfied myself from their antecedents, and from other points brought to my notice during this examination, that a very great majority belonged to the criminal class, and would in ordinary course return to thieving. It therefore made it imperative, according to my mind, that we should not treat persons as casual offenders, who are in the convict prisons, but expressly as criminals living in crime by habit and repute. It was therefore necessary to surround, by every possible means, the commission of crime by obstructions. It was quite clear that if you could impress upon the minds of this class that if they pursued a course of crime after liberation, they would be brought back to prison again and have lengthened sentences entailed upon them; if you could tell them confidently that the conditions of the licences would be enforced, it would serve in a great measure to indoctrinate them with the idea that crime would be unprofitable. I am quite sure that the success of the Irish system has been indebted mainly to a feeling on the part of the convicts from the commencement of their sentences, that they could not follow crime as a vocation with impunity. I believe firmly that the great evils which have occurred in England, and the very great expenditure consequent on crime, has arisen from our believing that the majority of the convicts in the government prisons were casual offenders. I am satisfied that there never was a greater delusion. If the police were taken into consultation, as I have always made a point of taking them into consultation in Ireland, the antecedents of these people would be reliably ascertained, and speaking of England I feel sure that the Commissioners would find that from 70 to 75 per cent. at least live by crime. It is with them a vocation, a business; and I assert that we have no reason to assume that they are only waiting for employment, in order to live honestly; on the contrary, we are bound to assume, from their former lives, that they will not do so, and therefore should to take such precautions as shall protect society

against them; and in the process of protecting society against them, we shall also protect them against themselves, and that I am, from practical experience, prepared to prove. These are the main features of the difference between the two systems which start from different bases; but it will be observed that the Irish convict system in its procedure makes cases against itself, and therefore its statistical results cannot be fairly compared with any other system.

3152. You mean by that that you have such good opportunities of ascertaining the position of men after they are liberated that you are in a position always to detect a man who is pursuing evil courses?—I will not say that we are in a position always to detect him, but we generally do, supervision brings knowledge of a man, and, therefore tends to bring his evil practices to light.

3153. (*Mr. Henley.*) That per-centage you gave referred to England, did it not?—Yes, and I stated that we should assume that habitual criminals would go wrong.

3154. They being 70 or 75 per cent. of the whole?—Yes; I say that we are bound to assume that habitual criminals will go wrong, until they prove that they are going right. I do not say that the whole 75 per cent. will necessarily go wrong. They have made it a vocation for many years, and we are bound to assume that they will go wrong.

3155. (*Lord Cranworth.*) And that your system should be directed against that 70 or 75 per cent.?—Yes.

3156. (*Sir J. Pakington.*) Is it the result of your experience in Ireland that 70 or 75 per cent. of the inmates of convict prisons are habitual criminals who have lived by crime?—Yes.

3157. (*Chairman.*) In Ireland?—Yes; but I have said so with regard to England also.

3158. (*Lord Naas.*) Will you describe in detail the system now practised in convict prisons in Ireland?—The skeleton features of the two first stages are similar in England and in Ireland; the first, is the separate stage, and the second, the associated labour stage; but there are great points of difference in these two stages, which I shall endeavour to make clear.

3159. Will you be good enough to describe, generally, the first stage?—On first coming to the convict prisons to undergo a sentence of penal servitude, a convict is sent to Mountjoy prison in Dublin, which is a separate confinement prison similar to Pentonville prison here; he is there photographed; and, if his conduct is quite unexceptional, he is removed in eight months to a prison or stage of imprisonment in which he works in association; but the slightest misconduct would detain him for nine months, and it sometimes happens that a convict is detained for 12 months when not considered fit for removal. In Ireland this first stage is made very penal by the omission of meat from the dietary for the first four months. This was at first tried as an experiment. It was my own opinion that the convicts had a larger dietary, when in separation, than was necessary for them. There might be some reason for giving them a better dietary when they were in association on the public works; but in separation it did not appear to me to be necessary. I called upon the medical officer to try an experiment for two months with an absence of meat from the dietary; he tried that experiment; and then I had another experiment tried for three months; and at last we attained four months; when I left Ireland, four months without a meat diet had been in use for some years. I am not at all persuaded in my own mind that four months need be the maximum for the absence

Sir W. Crofton.
3 March 1863.

of meat. My own opinion is, that if the convicts were given meat one month before they go to the associated labour prisons, it would be quite sufficient for them.

3160. Do you think that the absence of meat increased the severity of the punishment in the first stage?—Yes, decidedly. I have no doubt whatever about it; that is one point of difference, and the absence of interesting employment during the first three months is another.

3161. The absence of interesting employment during the first three months is a feature which I believe is peculiar to the Irish system?—That, as well as the dietary, is peculiar, and I will give the reasons as clearly as I can, and explain why the absence of interesting employment was necessary. What I mean by interesting employment is, the teaching of men trades when they come into the prisons. My observation was, that I found them all at work in their cells, learning shoemaking and all kinds of trades—and requiring, because very few of them in proportion were tradesmen, the attendance of the trades' warders to have constant intercourse with them, in order to obtain instruction. Now we have erected these prisons at an enormous cost for the purpose of creating, as I hope, depressing influences upon the minds of these men before you work upon them in other ways. I felt that if they could converse, as they must converse in order to receive instruction, with the warders during nearly the whole of the day, the warders coming backwards and forwards whenever they were required, the effect of the punishment of isolation would be very materially sacrificed. A change was made, and they were given, for the first three months, oakum to pick, and nothing else. To the public there could be no gain in trying to teach these employments, for what is done with these men afterwards? They were sent, nearly all of them, to the public works prisons—and these men were immediately to be made stonecutters and labourers, whom we had endeavoured to make cobblers at a sacrifice of material, and, still worse, of the depressing influences for which the prisons had been built.

3162. Did you find that in most cases a decidedly depressing effect was worked upon the prisoners by this treatment, in the first three months, at Mountjoy prison?—I have no doubt of it, and not only from my own observation, and from the observations of the governors and officers of prisons, but from information obtained from the convicts after their liberation; a natural consequence I think of less diet and the absence of what I have called interesting employment, which had the effect of keeping the separation more distinct for a period of time. After three months, those who had been tradesmen, that is shoemakers and tailors, who did not require any special instruction, were set to work at their trades; others, who had no trade, were employed in mending the sheets of the prison establishments—in mending clothes, and in boot-closing, employments that do not require any supervision on the part of the officers; but they were not taught any trade.

3163. (*Mr. Henley.*) Is not boot-closing a trade?—No skill is required in it at all. In a fortnight these men are able to close very well; females are often employed at it.

3164. (*Lord Naas.*) What kind of education is given to a prisoner during his stay at Mountjoy prison?—He is one hour every day at school; but there is a great deal more taught him at Mountjoy than ordinary school instruction; he learns the whole scope of the convict system in Ireland; and when I say that he learns the whole scope of that system, it is an important matter that he should know everything that will be done with him with reference to his marks,—how his progress

is recorded,—and how much depends upon his own exertions in every stage to improve his position.

3165. What means are taken to impress all this upon his mind ?—It is made the subject of school lectures. The convicts are called up, and on a black board are required to illustrate the mark system, and to explain what will be done with them after they are out. They are made perfectly aware of the police arrangements of the country, and I am satisfied that these arrangements being impressed upon their minds at the commencement of their sentences induces on their parts a feeling of co-operation with the system ; they feel that they cannot pursue crime to the extent which they did formerly with impunity ; and I am sure that this knowledge makes a very great impression on the general body of prisoners.

3166. Every opportunity is taken to make them fully acquainted with the objects of the system, and the mode of treatment that they will be subjected to ? — Yes, which is very often tested by the directors themselves.

3167. This shows them how much depends upon their own exertions ? —Yes.

3168. You stated, I think that the period of detention at Mountjoy prison varies from eight months to 12 months ?—Yes.

3169. What is the average length of their stay in that prison ?—Eight months.

3170. Some are released, I suppose, after a shorter stay ?—No, the very great majority of them leave in eight months.

3171. What are the cases in which they are detained for a longer period ?—For any offence, even for communicating when in the separate prison, no man would be allowed to go out in eight months. He would then be detained longer than the eight months. There must be a perfectly clean sheet to enable him to get out in that time. As to whether he is kept nine or 12 months would depend upon the nature of his offences in prison, all of which are brought before the directors.

3172. A very slight infraction of the prison rules would entail upon him an additional period of detention in Mountjoy prison ?—Certainly, the slightest infraction. Then, as to the second stage : At the expiration of their separate imprisonment the labourers are sent to Spike Island Convict Prison, and the tradesmen are removed at the present time to another wing of Mountjoy, but under the regulations of an associated prison. Phillipstown, which was formerly a prison for invalids and tradesmen, has been abolished in the last 12 months, and a wing of Mountjoy prison, which was empty, has been allocated for those convicts who formerly went to Phillipstown prison : so that the labourers are now sent to Spike Island, and the tradesmen to a wing of Mountjoy prison.

3173. Will you be good enough first to describe the mode of treatment on the public works at Spike Island ?—The prisoners' classification is governed by the marks they attain, a certain number of them regulating promotion into each class.

3174. The system of marks, I believe, was introduced by Captain Knight ?—Yes, who was at one time governor of Portland Prison, and who afterwards established Portsmouth prison, and had had considerable experience in organizing military prisons.

3175. It is not quite the same, I believe, as Captain Maconochie's system ?—The principle of marks was introduced, I believe, in the first instance, by the Archbishop of Dublin or by Captain Maconochie ; I am far from thinking that the Irish system of marks is perfect, but it answers the purpose. I know that Captain Knight, who had had the

Sir W. Crofton. 3 March 1863.

experience I have mentioned, was the person who found a want of record in the English prisons, and instituted this system in Ireland ; and also that Captain Whitty, who was a director of prisons in this country, after being governor of Portland prison, a gentleman of great experience, believes it to be a very satisfactory system. I believe that he had thought of a similar scheme before he came to Ireland. Now these marks appear very trifling things in themselves, but they are of the greatest importance to the convicts, and they feel it so. Their position is better realized, and is made more intelligible to them.

3176. What is the system of marks that is pursued in Spike Island prison ?—The maximum number of marks that each convict can obtain monthly is nine, but they are distributed under three different headings, namely, three for discipline, that is, for general regularity and orderly demeanour ; three for school, that is, for attention and a desire for improvement or industry in the school. I should mention that it is not for a degree of attainment, but for industry in school. It is quite possible for an ignorant man, if learning his letters, to learn his letters industriously, and in that case he would get his maximum number of marks, while another man who could read very well perhaps would not get them ; the marks are divided into three, two, and one, three being the highest under each head ; three for industry, that is industry at work, not skill, which may have been previously acquired.

3177. (*Lord Cranworth.*) The three heads are discipline, school, and work ?—Yes. Now a convict must attain a maximum of marks during his detention to justify his obtaining a full remission of the term authorized by the regulations for the ticket of leave.

App. No. 9.

3178. (*Mr. Waddington.*) That is to say, he must attain nine marks a month ?—Yes ; this is the notice that is given to the convicts when they enter the prison (*handing in the same*), and if a man does not accumulate enough marks in the time it is his own fault, and he is kept back till he does. Take the case of a man who is sentenced to three years' penal servitude, he must produce his document and show that he is in the first class, with 90 marks made, before he can pass into the intermediate prison ; if he has been longer than the usual time in attaining them he would not come into the intermediate prison until later, but that would be his own fault and not ours ; he must then remain a certain time in the intermediate prison in proportion to his sentence, and therefore it not only delays his coming into the intermediate prison, but it postpones his obtaining his ticket of leave. A proportion is laid down for each sentence, and when you examine the sentences you will find the number who have been sent out on tickets of leave, and the periods of remission will show how this system has worked. I should also explain the classes in the stages : there are four classes in the stage at Spike Island, the third, the second, and the first, and the advanced or A class. This class was called "exemplary" for two or three years, but we thought that the term exemplary was not very applicable to convicts, and it is now called the advanced class. It is possible for a convict to raise himself from the third class to the second class in two months ; when they leave the separate prison they go into the third class; they begin low down in that class.

3179. (*Sir J. Pakington.*) Is that always so ?—Yes, on the ground that in separation there is little opportunity of doing much amiss, it does not afford the same test as the other prisons ; it would be the highest number of marks attainable (18) by a convict that would get him from the third to the second class in two months. He could get from

the second to the first class in six months, provided he attains 54 marks in that period; nine is the maximum for a month, if not attained, the convict gets delayed in each class before he is moved, in consequence of this want of marks telling against him; then he can get from the first to A or the advanced class in 12 months, provided he has attained 108, that is nine marks a month, 12 times nine making 108. When a convict has reached the A class his progress is noted, as A 1, A 2, and so on; any misconduct causes a reduction and suspension or a loss of marks. A convict has no gratuity in separation, but he has 1*d.* a week in the third class, 2*d.* a week in the second class, and 3*d.* and 4*d.* in the first class, which is divided.

3180. (*Lord Cranworth.*) Is that reserved for the convict to receive when he goes out of the prison?—Yes; it is from 7*d.* to 9*d.* in the advanced or A class. Now I will call the attention of the Commission to the lowness of the gratuities in this system, because it is considered that the convicts should have a long up-hill career for some time as a test—The Directors believe them to be thus better tried before they give them a higher gratuity, which I shall explain when I come to the intermediate prisons. In the 3rd class it is 1*d.*, in the 2nd class 2*d.*, and in the 1st class 3*d.* and 4*d.*, and in the advanced class it is from 7*d.* to 9*d.*

3181. (*Lord Naas.*) What is the average amount earned by a convict in the second stage in Ireland compared with what is allowed in England?—Taking the whole of the gratuities in the intermediate prisons, and all other prisons, the average amount of the gratuities in Ireland is about one-half of what it is in England.

3182. (*Mr. Henley.*) How do the gratuities bear upon the wages in Ireland?—I can scarcely say; the wages in Dublin are perhaps higher than in a great many parts of England.

3183. Are they higher than they are in London?—No; but they are a great deal higher than in Wiltshire and Dorsetshire, and other counties; they are, I suspect, very nearly as high as they are in London at this moment.

3184. (*Lord Naas*) The average amount of gratuity that the convict can earn in Ireland is about half what he can earn in this country?—Yes, about one half. I saw a return to that effect.

3185. (*Chairman.*) Take the case of two men, each sentenced to four years' penal servitude, obtaining their discharge at the earliest period allowed by the regulations of the Secretary of State, and obtaining both in England and in Ireland the maximum gratuities allowed, what should you say is the difference between them?—I can scarcely tell you—it may be rather more than half in that case; but I have seen a return that has been sent to the Home Office within the last few days of the average rate of gratuity for convicts in England on one side and for Ireland on the other, and I saw that the one was double the amount of the other.

3186. Taking the same sentence, and the maximum gratuity obtainable in each case, what would it amount to in the two cases I have put to you?—I would rather that your lordship should put that question to Captain Whitty, who has the returns. When men attain the A class or the advanced class in that stage, they are moved by the system to another part of the establishment, and are employed on special works; the men who are idlers are kept by themselves in a class. The men who are dangerous are kept by themselves also, and withdrawn altogether from the general labourers of the prison.

3187. What treatment are they subject to?—They are subject to very strict treatment; for instance, the idlers, who do not do their

Sir W. Crofton.
3 March 1863.

work and interfere with the general class, are put by themselves and employed, with very little food; the dietaries are altered specially for them. There is another class of men who assault the officers—violent men—who are kept in what is called the dangerous class.

3188. Are they kept in chains?—Yes, to prevent them doing further mischief, and also only upon such a dietary as the medical officer thinks is absolutely necessary for them; but it is very low.

3189. Is each particular man's case considered as to the dietary?—No: there is a class of dietary for the idlers, and a class for the dangerous men, and they are kept perfectly separate; their dietary is reduced until they show, by their future conduct, that they deserve to be put into the ordinary labour classes. Now, I attribute to this minute classification of these men, the being able for the last three and a half years to do without flogging, although I may add that I have no objection to find flogging retained as a punishment. We have not resorted to it during the last three and a half years, proving, as I think, that this kind of classification, under stringent rules, is very advantageous; it is satisfactory to know that although at the commencement there were several in these classes, very few are in them now.

3190. (*Lord Naas.*) Do the warders receive any gratuity at Spike Island depending upon the amount of labour done by the convicts?—No.

3191. Do you think that system is objectionable?—I believe that they should receive whatever salary is thought proper, but I should not like to have them depend in any way for a gratuity upon any certificate they might give as to the prisoners' labour.

3192. Do you think that gratuities to warders, which are made dependent upon the labour of convicts, are objectionable?—I do.

3193. Have you ever tried that system?—No.

3194. (*Chairman.*) They have fixed salaries, which do not vary with regard to the amount of labour performed by the convicts?—Yes.

3195. Nor as to their own conduct?—Except when promoted from class to class.

3196. (*Lord Naas.*) A warder by good conduct, as in other similar cases, has an opportunity of advancing himself in his profession?—Yes, just as a man has in the army.

3197. Have you any observation to make with regard to the effect of the marks upon the men in their efforts to obtain their tickets of leave?—Yes, I can record from actual experience that they are of the utmost value; that they are the means of acting upon a man as an individual, and of realising to him his own position and his own means of progress; I know of no other way in which you can equally produce that effect upon him. I am quite satisfied that wherever the system of marks is tried it will succeed, and it has been tried at Wakefield prison. Mr. Shepherd, the governor, wrote to us to say that he had introduced the system with great effect, and I observe in a despatch from Western Australia, that the governor of that colony commends the mark system particularly, and that they have introduced it now for three or four years in that colony.

3198. (*Chairman.*) You are aware, probably, that it is an entirely different mark system?—I believe so; I am far from saying that the Irish system is a perfect mark system, but it is a record, and a very different proceeding from that of merely recording the men "very good;" but, as I said before, Captain Whitty will give very good evidence as to that point, because he knows, and must feel, the good effect of it in dealing with convicts as well as Captain Knight; each man realizes his progress, we know all that he has done from the

beginning, and how to act with him, and any person who has to deal with criminals will find himself placed in a very improved position in consequence of this information. You see recorded very carefully a man's shortcomings, and in what point he has failed; it is a record of character which I think is very useful. I do not mean to convey that I think the mark system in Ireland is as perfect as it could be made, but it has been tried in the reformatory schools in Ireland with great success for the last three years.

3199. (*Lord Naas.*) Do you think that the effect of the system is that the men are fully persuaded that their obtaining remissions of their sentence depends upon their own exertions and good conduct?—I am positive of it; and I believe that the best answer to that question is the positions in which we are enabled to place these men afterwards in the intermediate prisons. It is a very great test and proof of the utility of these marks to find the men coming as they do with them, at different periods under the same sentence, into the intermediate prisons, and it would, if it were not considered to be a strictly just system, generate disorder in the prisons; instead of which a very satisfactory state of things prevails. I have often known the case of a man with a sentence of seven years transportation who has been so long in attaining these marks that, instead of getting out of prison as others have done at the end of four years, he has been there within a fortnight of his time, the seven years, before he has left the intermediate prison. If the system did not realize to each individual strict justice in the record kept of these marks, it would show itself; because a man's liberty would be affected, and his position would be affected, and you would have the intermediate prisons filled with jarring elements. I was asked whether I could give any reason to show that these men sufficiently apprehended the mark system, and that it had an effect upon them; I state that the general good order existing in the ordinary and in the intermediate prisons is the best reply.

3200. Are you persuaded that the men appreciate the mark system, that they believe the system is carried out with strict justice, and that it depends entirely upon themselves what remission of sentence they will obtain?—I am firmly persuaded of it, and I believe that the best confirmatory evidence to be given is the state of the ordinary prisons generally, and, as I have before stated, the peculiar circumstances of the convicts when they reach the intermediate prisons, coming in at very different periods of time under the same sentences.

3201. Are complaints frequently made by the men of the inequality of the treatment they receive, in regard to their remissions?—In the earlier periods they very constantly made complaints, and it was very proper that they should, for they are naturally very jealous indeed of every mark; they can complain to the governor and to the directors, and can have their cases heard and mistakes rectified.

3202. (*Mr. Waddington.*) Who is it that apportions the marks?—There are four persons who are connected with the apportionment; viz., the officer of the gang, the schoolmaster, the principal warders, and the governor; and with regard to the convict, he has the means of seeing the director as to anything which he believes to have been unjustly noted against him.

3203. Has the chaplain's report anything to do with their obtaining the marks?—Nothing whatever.

3204. Is there any mode of measuring the labour performed by the convicts on the public works, or is the amount of labour done accurately measured?—I would rather that Captain Whitty should go into that

Sir W. Crofton.
3 March 1863.

matter, he is a director of the prison, and can explain; it is checked by the engineer's department there, that is, the value of the labour; there was not, perhaps, at one time the best application of labour at Spike Island, but the engineer's department checks the governor's estimate of its value, and Captain Whitty will give the Commission full details on that point. There is a very limited number of stonecutters employed at Spike Island.

3205. (*Lord Naas.*) With regard to the treatment of the prisoners in association at Mountjoy prison, and in learning trades, is the same system with regard to the marks, and other matters, carried out as at Spike Island?—Yes, it is identically the same.

3206. What is the number of convicts at present at Spike Island?—I think I must leave that to Captain Whitty, but I believe in round numbers they exceed 700.

3207. And what is the number in the associated prison at Mountjoy?—I think not more than 100.

3208. Speaking generally, by far the greater proportion are sent to Spike Island?—Just in the proportion I speak of, about seven to one.

3209. Do you find that the incentives to exertion in the associated prison at Mountjoy are as great as they are at Spike Island?—Just the same, they are identical.

3210. What are the principal modes of employment in the associated prison at Mountjoy?—They are principally tailoring and shoemaking.

3211. Are there any other trades?—No. There is some carpentering, but only a small class.

3212. Do the convicts work in association in large rooms?—Yes, with seats in large halls, they sleep in separation.

3213. Are they ever allowed beyond the bounds of the prison?—No, except for taking exercise in the yard.

3214. Referring to the dietary in the associated prison, is that the same as at Spike Island?—There is some trifling difference; as the work at Spike Island seems to require more, it is not quite so good in the associated prison.

3215. Is it rather less?—Yes, I could point out at greater length the difference in these stages between the English and the Irish systems. I have an official return here with reference to the classification of English convicts which shows a state of things that could not possibly appear under the mark system, namely, that a badly-conducted prisoner can receive as much gratuity as a well-conducted prisoner in the second stage of work in this country.

3216. Will you be good enough to show how that is?—I see in this return* the cases of two men under the same sentence, one is set down as "very good," and the other is set down as "indifferent;" this is a return relating to the convict establishment at Chatham, it is a parliamentary return, and at the third entry from the top there is a man numbered 2,992, who was sentenced to three years' penal servitude, his date of conviction was 30th June 1859, and his general prison conduct which is continued on in the same line is "very good," he is in the first class in this country, and his gratuity up to February 1861 amounted to 3*l.* 0*s.* 8*d.* Then in the case of the next man in the same column, who was convicted of housebreaking and sentenced to three years' penal servitude, the date of his conviction being 28th June 1859, he is described as of "indifferent character," in the third class, and his gratuity amounted to 3*l.* 2*s.* in February 1861; therefore, for the same duration of penal servitude the "indifferent" man obtained 1*s.* 4*d.*

* Return, "Convict Disturbances, Chatham," H. C. 125, 1861. (Mr. Childers.)

more than the "good" man. Then below that, No. 3,125, there is a case of a man convicted and sentenced for housebreaking to five years' penal servitude; he was convicted on the 10th October 1859, his character in prison was "bad," in the third class, and he received 2*l.* 2*s.* The next man had not committed the same offence, but he was convicted three months before the other, on the 25th July 1859, his character was "very good," in the first class, and his gratuity was 2*l.* 0*s.* 3*d.*, so that the "very good" man had 1*s.* 9*d.* less than the "bad" man. Now, I do affirm that it is perfectly impossible under the Irish system that a bad man could receive as much or nearly as much as a good man, because the "discipline," "school," and "industry," of each would be carefully recorded, if a man was a badly conducted man, the other marks would be done away with altogether. The cases to which I have just referred are not the only cases. I find a "bad" man receiving a very high gratuity, he has only been in prison since November 1858, and the amount of his gratuity is 4*l.* 6*s.* 7*d.*, a case of robbery and previous conviction, the date of the conviction being 22nd November 1858, that is the case of a very bad man in the third class, and in little over two years. Then again, I find at page 4, the case of a Portland mutineer No. 2,270, J.M., he got back into Chatham prison, his sentence was four years penal servitude, date of conviction 3rd April 1857, bad character, second class, and the amount of his gratuity was 7*l.* 9*s.* 3*d.* Then No. 2,306, a man of very indifferent character, convicted 1st April 1858, sentenced to four years penal servitude, the amount of his gratuity was 7*l.* 5*s.* 3*d.* Therefore, I think it is very clear that these gratuities are given on very different bases, and that the classification must be very different from what it is with us.

3217. You think that such an inequality could not exist under the Irish system, either as to the remission of the sentence or the amount of the gratuity?—I am certain of it. Then again, I do not believe it possible that any arrival of men from the hulks could have had the effect stated in the report. I see what is stated in the report, and I am bound, in speaking of the discipline of establishments, to call attention to it. I have had Bermuda prisoners sent to us in quite as large numbers. I am now referring to the convicts which arrived before the Chatham mutiny occurred, the number being 179 from Bermuda. They came from Bermuda four months before the mutiny. Now, I have had from 150 to 180 such men in a smaller prison. I have had men come home from Bermuda who have been accustomed to a high rate of gratuity, to a better class of dietary, and who had the idea, because they had come home with English convict prisoners who had told them so, that they would receive their liberty, because their time was up. They met with a lower dietary, and small gratuities, instead of the large gratuities that they had received at Bermuda; and the intelligence that, notwithstanding their time being up, if they could not prove by their conduct that they were fit to be liberated, and to pass through the intermediate prisons, they would not go out on ticket of leave. I say that these are causes that would naturally generate a mutiny in an establishment; but because our convicts are, as I believe, more subdivided, better classified, and specially dealt with, such people would meet no sympathy, in a general way, as they might in a very large prison where all are mixed indiscriminately together. I consider that this is an improvement of system, and I think it necessary to call attention to it, in order to show that by getting these people more divided in the different stages, it would be very difficult to overturn the discipline of an establishment.

3218. (*The O'Conor Don.*) In the Irish system does the subsequent

Sir W. Crofton. 3 March 1863.

bad conduct of a man disentitle him to the gratuity which he has previously earned?—According to the circumstances. It does disentitle him to a great proportion of it, and the whole, if necessary.

3219. (*Lord Naas.*) What means are taken to ensure the strict separation of these classes at Spike Island?—I have already called attention to the advanced class; the moment that a man attains a position in that class he is put into a detached portion of the prison, and kept there under a different system. That class have their meals and work together, they are employed on special works at Haulbowline, and have more work, because they have school in the evening; they are dealt with specially in every way; the 1st, 2nd, and 3rd are worked together.

3220. (*Chairman.*) Are they in a distinct building?—Yes, in the same establishment.

3221. (*Lord Naas.*) Men in the advanced class work at Haulbowline?—Yes, or on special works.

3222. What steps are taken to separate the 1st, 2nd, and 3rd classes?—They work together. I may mention that Spike Island is a barrack, the rooms are nothing else but barrack rooms, and therefore when the men came from separation they were put into those barrack rooms until they were divided off, with moveable partitions, so that each man might sleep separately; they afterwards go into the advanced class, where they sleep in association.

3223. As far as the buildings are concerned, I believe they are very defective at Spike Island?—There is no question about it.

3224. (*Sir J. Pakington.*) Does each working party always consist of men of the same class?—No, they are mixed in the 1st, 2nd, and 3rd. They are mixed according to the requirements of the service, until they attain the advanced class.

3225. (*Lord Naas.*) Is there any difference in the diet of the 1st, 2nd, and 3rd classes?—No. I cannot say that the dietary in the Irish convict prisons, as yet, is as it should be. I believe myself that the dietary at Spike Island and the public works prisons might be altered, still the medical officer is there, and responsible, and as long as the fear of coroners' juries is before them, the medical officers cannot be expected to sign their names very hastily in favour of a reduction of the dietary. But my own impression is, that by a variety of food, instead of giving them always the same, you may extract a great deal of animal food from the dietary.

3226. Do you think it would be an advantage to change the mode in which the men are employed at Spike Island so as to admit of a further separation of the classes?—My experience has gone so far that I think I should not go now to more expense in prison buildings. It is easier to deal with men in cells; but my experience certainly is that there is no necessity to go to any further expense; I think that you can gradually bring on a convict into a state similar to that of people outside, and it is important I think that you should do so.

3227. The buildings at Spike Island were never intended for a prison?—Never, they were merely a barrack.

3228. All that was done was to endeavour, with the bad materials you had, to adapt the buildings as much as possible to the requirements of a prison?—Yes, those divisions which have been put up are removeable; when the convicts are taken from Spike Island and placed in any other prison large rooms can be made available for the same purposes.

3229. (*Sir J. Pakington.*) Was the separate building for the accom-

modation of the advanced class built on purpose ?—No, I found it a building standing there when I went to Ireland; it is an iron building.

3230. And you merely appropriated it for the purpose ?—Yes.

3231. (*Lord Naas.*) I believe there was no prison built while you were Chairman of the Convict Board, but the buildings were added to ?—I can scarcely say that, because with regard to the female convict prison, although the money had been voted for its erection before the Board of Directors took office, it was built under their direction.

3232. But there was no male convict prison built while you were Chairman of the Board ?—No, there were moveable huts.

3233. Phillipstown was a barrack, was it not ?—Yes, which was attached to the old gaol.

3234. Is that now given up ?—Yes.

3235. Will you be good enough to describe to the Commission the mode of treatment which is pursued towards the prisoners in the stage you have described ?—I have already briefly sketched the object of having these Intermediate prisons at all, that it was because we felt that by dealing with men in smaller numbers we should know more about them, and have a better test of their conduct; we felt also that when the public came to see them in this more natural stage, they would be more inclined to offer them employment. Another point was, if you could establish it, that you could keep a certain number of these convicts in an ordinary hut like a Crimean hut, and so utilize their labour for the general public service wherever it was required. These were the principles which led us to establish this system, and the notice that I have already read shows the period at which each man under sentence, provided he gains a certain number of marks, can reach these intermediate prisons.

3236. Will you be good enough to describe the two intermediate prisons at Smithfield and at Lusk ?—There are only two now. In the first place, having a large number of convicts, there were two additional establishments at the mouth of Cork harbour; but I will speak of what exists at present. There is one at Smithfield in Dublin for tradesmen. Smithfield is an old and badly constructed prison, and very far from what one would have thought desirable for any such purpose; still it was there, and without expense we made it answer for the tradesmen. There is another intermediate establishment at Lusk, about 15 miles from Dublin; we erected iron huts, similar to the Crimean huts for soldiers, and encamped the convicts on Lusk Common. The huts cost, I believe, 330*l.* each; at the time iron was rather dear; the huts are moveable, and they answer very well; each hut has one large room used as a schoolroom, a dining-room, and sleeping-room; the beds are put away in the day, and the place well ventilated. At Lusk each hut holds 50 men, and at the end of the hut there is accommodation for three officers; there are three beds with a window that looks into the hut.

3237. (*Sir J. Pakington.*) How many huts are there ?—There are two huts, and the two hold 100 prisoners.

3238. (*The O'Conor Don.*) How many prisoners are there in Smithfield prison ?—Smithfield prison holds a large number of prisoners; but the maximum number would be only 100. It is the principle of the system not to operate upon a very large number.

3239. (*Chairman.*) Are the two huts close together at Lusk ?—Yes.

3240. (*Lord Cranworth.*) They form one establishment ?—Yes.

3241. (*Lord Naas.*) What is the proportion of the whole number of prisoners released in Ireland who go through the intermediate prisons ?—

Sir W. Crofton. 3 March 1863.

At the present time, I think, Captain Whitty told me that there are rather more, under the Act of 1857, than 75 per cent. males.

3242. (*Sir J. Pakington.*) 75 per cent. of those who are released go through the intermediate prisons?—Yes, at the present time.

3243. (*Mr. Waddington.*) Do you mean those who are released on licence?—I mean those who are released altogether; but I should say that in taking those numbers you are not to conclude that the remaining 25 per cent. fail in consequence of misconduct, because that is not the case; for instance, a man who has committed a murder could not attain that position—he would not go to an intermediate prison, because the gravity of the crime would prevent it; or a man who had been convicted for bestiality, or any heinous offence of that kind, would not be allowed to go there. It must be remembered that the criminal class are not excluded on account of belonging to it. A man who commits murder does not generally belong to the criminal class; there have not been for some years many agrarian offenders in Ireland. I had a return before I left Ireland for six years, of agrarian offenders connected with combinations; and this is important to note, for some people imagine that the general body of our Irish criminals are agrarian offenders, and not really habitual criminals at all. But this is a very great mistake. I had a return made out in order to find out the number of these offenders discharged in the six years previously to my leaving. There were only 107 agrarian offenders, seven who belonged to the criminal class out of that number, and there were only two who returned to our prisons.

3244. (*Lord Naas.*) Still you have admitted prisoners who have been convicted of agrarian crimes of a lighter nature?—Yes; but not the most serious cases, neither do we admit any man who has once been in an intermediate prison to pass through it again; he had an opportunity once, but neglected it. Then, again, the highly-educated man, the forger, does not come.

3245. (*Sir J. Pakington.*) Who is it that draws the line?—The Government have made that regulation, and the convicts know it at the time when they enter the prison.

3246. (*Mr. Bouverie.*) But who is it that says that such and such a man comes within such and such a class?—A doubtful case is submitted to the Irish Government.

3247. Do you mean the Secretary for Ireland?—The Under-Secretary.

3248. Is each individual case brought before him?—Yes, of the kind I am speaking of.

3249. (*Sir John Pakington.*) Do you mean that he determines in every case who may or may not go into the intermediate prisons?—No; only in such cases as would admit of some doubt.

3250. The 25 per cent. do not go into the intermediate prisons?—No.

3251. How is it decided what proportion shall constitute the 75 per cent.?—The 75 per cent. come into the intermediate prisons through their own classification. I am accounting for the 25 per cent. that do not come, and I will account for them in this way: a great many of these have commutations of their sentences, and are released often before they ever reach the end of the term: for certain special reasons they are liberated by the Government.

3252. (*Chairman.*) Some are liberated before they could go to the intermediate prisons?—Yes; but that has nothing to do with the convict department; it would be cases that the Government would deal with for some reasons of their own.

3253. Upon what grounds are those pardons granted?—I cannot tell; but there are memorials sent in in their favour, and they are dis-

charged by the authority of the Lord Lieutenant for reasons with which I am unacquainted.

3254. Are there many such cases?—There are.

3255. Does not that rather interfere with the regularity of the discipline, there being such special cases of early enlargement as that?—I do not think so, without a man was a badly-conducted man: then it would; but I have not found that they generally discharge badly-conducted prisoners in that way without some inquiry being made; there would be some notification sent—they would desire to know whether the man was a well-conducted man before he was liberated. I cannot go into the reasons, but they are discharged on memorial very often, certainly; perhaps after a man has been six months or 12 months in prison.

3256. (*Sir. J. Pakington.*) What proportion do these cases which you have now spoken of represent of the 25 per cent. who do not go into the intermediate prisons?—I cannot tell you that because it varies very much.

3257. Is it a large proportion?—Not a large proportion.

3258. Do you think it is a fourth of the whole?—I am inclined to think it would be very near that.

3259. How do you get at the rest?—In this way; there are invalids and men who are eccentric; those men are not brought in, and they form a large proportion; then there are murderers, who are rather a large number in Ireland. I think I saw a calculation three or four days ago showing that at the present time some where about 16 per cent. do not go into the intermediate prisons, for the causes I have mentioned.

3260. (*Mr. Henley.*) Sixteen per cent. of the whole who were originally admitted into the the convict prisons, or 16 per cent. of those who have arrived at the period when they could go there by length of servitude and conduct?—I must answer that although I am not quite certain about it, the 16 out of the 25 per. cent. do not now go to the intermediate prisons for the reasons I have stated, either in consequence of being pardoned, or from being eccentric, invalids, or murderers.

3261. (*Lord Cranworth.*) By eccentric, do you mean bordering on insanity?—Yes, and there are a great many such cases.

3262. (*Mr. Waddington.*) I suppose there are some who do not arrive there by having gained the requisite number of marks?—Yes, and that was a very large number at the beginning. I have said 75 per cent. now go to the intermediate prisons; but as the sentences become longer and afford a greater margin of time for a convict to amend, a larger proportion will certainly reach the intermediate prisons.

3263. (*Lord Naas.*) Will you be good enough to explain the mode of treatment at Lusk, and the manner in which they are employed, what work they do?—The prisoners are employed upon the farm in draining, and so on; they work about the same number of hours that free labourers do, and they receive half-a-crown a week provided they are certified as having performed their work properly, but if any misconduct arises of any kind the man is at once removed to separation at Mountjoy for his punishment.

3264. (*Sir J. Pakington.*) Is that done for any act of misconduct?—Yes, he is retained there for a certain time, and it depends upon what the circumstances are as to whether he is removed to another associated prison again; we do not keep any cells as adjuncts to the intermediate prison, because the object is to preserve the tone of the establishment, and if they fail in their conduct in the slightest way, they are removed. These men are in association and live together. I know that objections are made to the association of many prisoners together under any circumstances in these rooms. I can only say that Captain Knight, after

Sir W. Crofton.
3 March 1863.

a very great deal of experience, was the person who suggested those huts and designed them. We discussed the matter seven and a half years ago, and Captain Whitty can state as distinctly as I can, that we have never had reason for one moment to regret having taken that course. If any person were to say to me now, never mind the expense, it is better to have cells, I should say, on principle, no, for my object is to show to the world that you can trust these men in association. I will read an answer that I gave with reference to this subject, because I consider it an important principle, both with regard to the association and the loss of the deterring effect. I have already given the reasons why these establishments were instituted, and I will now turn to the objection, as it has been set before the public very often, and give my reply to it. The observations were addressed to me publicly, and I replied to them—it is now four years and a half ago—and time and experience have only confirmed me in the opinion that I then expressed. "The case on "which objection to association is based, viz., the failure of the "associated rooms at Portland, is perhaps the strongest argument to "show the necessity of some further change in treating convicts before "they are liberated. I believe the convicts so tried were all men of a "high classification (first class), if otherwise, the case is in no way to the "point. If then, notwithstanding the discipline of the early stages, the "tone of the associated room of the first-class prisoners was so bad as to "induce the more exemplary to request removal to the cells, how is it "possible to suppose that these first-class men were well prepared for "discharge, or that they could do well after liberation. This result is "a further proof of the fallacy of an ordinary prison character, and is "in accordance with the experience of the community; directly the "first-class prisoner is placed in temptation, *i. e.*, in association, his "real character comes forth, hence the low appreciation of characters "earned in prison, hence the difficulty experienced by convicts in "getting employment through them. If discharged convicts could be "guaranteed separate cells and absence from temptation, there would "be no occasion to introduce a supplementary and a more natural "stage before liberation takes place; but as there are no such appliances "and exemptions, and as these men have been, and are for the "future to be, discharged on the community at earlier periods "of their sentence in consequence of their good prison conduct (note "this with reference to the Act of 1857 especially), we are bound, at "whatever inconvenience, to test that conduct as far as it is prac-"ticable. In the case cited it would have appeared a wiser course to "have retained the more exemplary men in association, and to have "removed the offending members to the cells, and thus to have raised "the tone of the associated room; but with this I have no concern. "The object of the association is to test the character of men deemed "in a more artificial state to be well-conducted, and constant failures, "and consequent removals, will, no doubt, take place from time to "time. In due course, however, and under a proper system of "training, the tone of the association will be what it is desirable to "attain, and of such a nature as to improve those removed to it. I "have no hesitation, after a very close and minute observation during "32 months' experience,* in affirming that this is and has been the case "with several hundred prisoners, and that the conduct in these rooms "will favourably compare with any association of labourers whatever." I then say that Captain Whitty will confirm this, as he will do if required I am quite positive, when he is examined. "This is no light matter, to

* Written October 1858.

Sir W. Crofton.

3 March 1863.

" be placed aside on insufficient grounds, or on the ill success of an " experiment designed on an erroneous and a totally different prin- " ciple. This system has been examined, discussed, and approved by " the most practical men in the United Kingdom ; it has proved to be " advantageous to the inmates, both during detention and after " liberation, on the most reliable test in the world, positive informa- " tion, and it will, beyond question, be equally so to the State, as " rendering the labour of the convicts more general and more available " (especially at the present time) for small harbours of refuge and " expensive works, coast defences, &c." And I do think that this past question is to be borne in mind. There is no doubt that convicts can perform labour that is very much required ; but if you have to build very expensive prisons, you cannot perform small works. I think it is important therefore to find that you can use them in this way for the public service, as well as improve the convicts themselves, and open the avenues of labour to them. At first some attacks were made upon the system ; people said that it was very dangerous to have these men in association, but the practical experience of many years has confirmed the soundness of the principle, and I defy any man to say—I do not care who he is—that anything has arisen with regard to that association which any person could deplore. I have had some experience, and I have found that the conduct of these men has been quite equal to the ordinary run of soldiers. I am satisfied of this, that the public have been inclined to meet us in consequence of these arrangements, and that a great many persons having seen these men so employed have been inclined to offer them employment in consequence of seeing them in a more natural state of discipline. I will now pass to the loss of the deterring effect, which is another objection that has been made to this part of our system, and which I must also meet. It has been stated that the loss of the deterring effect that would ensue in consequence of the exhibition of convict labour in this form would be very detrimental, and cause, especially in Ireland, a great increase of crime, in order that the offenders might enjoy these privileges. It is assumed that the public outside and the labouring classes know nothing of what is going on inside of our convict prisons; but that is a very great mistake, they know to almost half an ounce of food what is given to the prisoners in all convict establishments, and I believe it is all important that it should be known, for if it will not stand the test of publicity, I think there must be something wrong in it. I contend that the whole state of the discipline under the Irish system so far from offering a premium to crime, is calculated to deter from crime. It forces upon the convicts laborious efforts through the mark system before any man gets any advancement at all; and after his liberation from the intermediate prison, you have exposed him through supervision to a civil disability. There has always been, and will be, a comparison drawn between paupers and criminals. I think it is difficult to make the dietary of criminals at hard work quite as low as that of paupers, and yet we all feel that every distinction that could be properly made should be made between the two. If you want to get work from a convict you must give him a certain amount of food, which in nearly every case will be found, I am satisfied, to be more than a pauper receives. I think it is of the greatest importance that this civil disability and supervision by the police after liberation should take place, so that the pauper should feel his position and that of the thief to be on a very different footing. I am satisfied that no man outside a prison, and knowing the work that is required from those who are inside, and knowing the whole system that is pursued in Ireland, would for one

Sir W. Crofton.
3 March 1863.

moment sacrifice his liberty in order to get there. This objection also, as in the case of the associated rooms, was made at first; but there was reliance placed on the system, taken as a whole; and if people had inquired into the cases of the men who were going to be discharged, they would have found from their eagerness for the day when the papers came for their tickets of leave, the great anxiety felt for liberty. We are able now to say, after many years trial, that the number in prison has decreased under the system. If it had offered any premium to crime the number would naturally and immediately have increased, especially in a country like Ireland.

3265. (*Mr. Waddington.*) When was the first intermediate prison opened?—I think it was in the month of November 1855.

3266. (*Lord Naas.*) Was that at Smithfield or Lusk?—Smithfield.

3267. Will you just describe the treatment which the prisoners receive at Smithfield?—At Smithfield the difference is, that tradesmen are paid graduated gratuities, instead of 2*s.* 6*d.* a week, which was found to be the better mode at Lusk; they are paid gratuities according to the amount of work they perform; there is a certain scale of price put upon each waistcoat, upon each pair of trousers, and upon each pair of shoes or boots, but still the maximum must not exceed 2*s.* 6*d.* There is at Lusk a system of lectures which is carried on by Mr. Organ, who is a most valuable aid in every way with regard to these men. He lectures two days a week at Lusk, and during the remainder of the time he is at Smithfield. I have already stated that part of the Irish system was to induce, by every possible means, voluntary emigration, and I stated in evidence before a Parliamentary Committee in 1856, that I believed the result of any good prison system would be to induce a very large voluntary emigration of convicts. The lectures are principally directed to show what the result of a perseverance in a criminal career would be, and also to point out the various demands for labour that there are in the colonies, and the great advantage it will be to a man as far as possible to sever himself from his antecedents. Now, of course, there is no record that can be depended upon with regard to this, but I believe that, between emigration, enlistment, and entering into the militia, nearly 25 per cent. may have taken these courses.

3268. (*Lord Cranworth.*) Do you mean of the men who have passed through Lusk?—I mean through the whole convict service, but no one can of course accurately tell; a great deal is left to imagination as to these people, but I observe that the return of emigration includes enlistment, in fact it is emigration and enlistment. But one object of intermediate prisons is to induce voluntary emigration by every possible means, and explanatory lectures are given for that purpose. I can tell the Commissioners without any reserve, because I know the fact, that it is generally speaking, our best men who have emigrated, and I think it will be seen that this is likely to be the case, because criminals do not generally go at their own cost to a place where there are not so many pockets to pick if they mean to continue their trade.

3269. (*Lord Naas.*) In Smithfield, I believe, the prisoners have generally a small portion of their gratuities to spend in purchasing small luxuries?—In both Smithfield and Lusk they are allowed to spend about 6*d.* a week of their gratuities, and that is done for a reason; it is done in order to obtain some sort of test of the character of these people, and it is a very good test. Some of the men spend it in one way and some in another, and some save it altogether. I have known men, after very many months in these intermediate prisons, who have not spent one farthing of their gratuities, but have saved them for certain purposes afterwards. The State is not called upon to supply them with books; they are paid

for by subscriptions out of the 6*d.* a week ; they are allowed to spend up to that point, if they are foolish enough, in tobacco.

3270. But not in drink ?—No ; and there are a great many of them who are very fond of smoking, but who have saved all their money instead ; they have not spent one farthing of it in tobacco ; there has been a great deal of self-denial exercised to my knowledge by a large number of the men.

3271. Smithfield is situated in the middle of Dublin ?—Yes.

3272. Are the prisoners allowed, under certain restrictions, to leave the prison ?—Yes ; they are sent out on messengers' duties ; they have a letter bag given to them to bring to the directors' office and take back to the different prisons twice a day ; but if a man misconducts himself he is then sent back to a separate prison.

3273. He is allowed, is he not, to purchase small articles for the other prisoners ?—Yes, for those who have not an opportunity of going out till their turn comes ; he takes their money and lays it out for them outside the prison. At Lusk they work in the open air, and each prisoner at Smithfield is allowed, when on duty, under certain restrictions, to go into the streets of Dublin.

3274. Have there been no escapes ?—At Lusk there have been, I believe, two, but they were both retaken. At Smithfield, which is a lock-up prison, one, but not when employed on extern duty.

3275. Did he escape from the prison ?—Yes ; directly after he came up from the ordinary prison. The two from Lusk would amount to about one-fifth or one-sixth of what the escapes would be from any lock-up prison. A great many of the men at Lusk, to show that the dietary is not too liberal, spend their gratuities in bread to add to their dietary.

3276. (*Sir J. Pakington.*) Is it known in every case how that 6*d.* a week is spent ?—Yes.

3277. How is it ascertained ?—Because one of the convicts is sent out ; he takes the money and lays it out for the others ; they make no secret about it ; they reckon with the superintendent, and he knows what they purchase.

3278. Does he know that of necessity ?—As the ordinary practice he would know, and very often he keeps the money for them himself.

3279. He keeps it for the convicts in those cases in which it is not spent by them ?—Yes.

3280. How is it known in what way the money is spent, and where it is spent ?—Each week they state, when they get the other part of the 6*d.*, how much of it is gone ; but they are not obliged to do so.

3281. Even as you describe the system, is it not quite possible that in a large number of cases it may be quite unknown how the 6*d.* has been spent ?—No, I do not believe that in many cases it could be unknown, it is possible that an individual might be overlooked, but I am sure it would soon come out.

3282. (*Lord Naas.*) A different messenger, I believe, is sent out almost every day ?—Yes, and he brings an account with him of everything that he spends for each man.

3283. (*Sir J. Pakington.*) Is he bound to show that account ?—Yes, when he comes back to the office he shows how he laid out the money for each prisoner ; we thought it desirable that they should have the money of the other convicts to lay out for them, for if they trusted them with their money we thought it would be a good test.

3284. (*Lord Naas.*) Has the system of intermediate prisons been applied to men who were sentenced under the Act of 1853 ?—Yes, I believe that that is an important point to mention, because objections had been made of this kind ; that men would conduct themselves well

Sir W. Crofton.
3 March 1863.

under this test stage for a time, knowing that they would get their liberty through it, and that it would generate hypocrisy. I am not sure that there is not hypocrisy there as well as in other places, but I thought this was a very good test, and I was glad to have it; that the men who were sentenced to penal servitude under the Act of 1853, who could not obtain a remission, conducted themselves equally well with the others.

3285. Is the system, in your opinion, as satisfactory with regard to the men who were merely serving out the last few months of their sentence, as in the case of those who were about to be released on tickets of leave?—Quite so; indeed we anticipated that, because we recommended the Government not to adopt the method pursued here as to improved dietaries for this class.

3286. Were any complaints made on the part of the public residing in the neighbourhood of Lusk prison, in the first instance, as to the danger of having those men working in comparative liberty?—Yes, there was some alarm at first; it happened that they were encamped just under one of the judge's houses, and there were some objections made. We had intended, out of consideration for the public feeling, to have constabulary somewhere within reach, and we went to the expense of having two rough huts put up for them. I did not consider that there was the slightest danger to be apprehended—it was done to satisfy public opinion; but we were so long in getting up the huts, that after the convicts had been there for some time, the neighbourhood began to feel that they could go on without constabulary, and they were never occupied. I should mention to the Commission that one of the largest landed proprietors adjacent, Mr. Cobb, said that if ever he wanted hard work to be done he would send to Lusk for labourers as well as to any other place. He rides over there constantly, and all alarm has now passed away. I am satisfied that the avenues of labour are now very materially opened to convicts in Ireland, and I feel assured that if these establishments were shut up, you would have the avenues of labour close up again. Then, with regard to the position of the criminal himself—he has had his opportunity; the labour market has been made tolerably open to him, and the stringent procedure that you apply to him after his liberation is deprived of any undue severity, because you have shown him the way to emigrate if the home labour market is not sufficient for him.

3287. Do you think that the exhibition of these men working in comparative liberty predisposes the public to employ them?—Undoubtedly.

3288. (*Lord Cranworth.*) Have you shown them the means of getting to the colonies?—Yes; I should mention that there is no discharged Prisoners' Aid Society in Ireland, but I am persuaded that the gratuities received by every convict are enough, with some privation, to take him to some of our nearest colonies.

3289. Do you receive communications, or do the authorities of the convict service receive communications from any of these men who have gone to the colonies?—Yes, a very large number are received.

3290. Are those communications, generally speaking, satisfactory?—Very much so; I should like to mention, speaking of employers, and the effect on employers of the conduct of convicts who have been in the intermediate prisons, that I sent to Mr. Organ a few days ago, requesting him to forward me some letters that he had by him at the moment, and to obtain others from those who had been the employers of convict labour. I know several of them, and can speak to many of the cases, but I think it is important that I should read them, for

here are several of them in one form or another ; I can speak to the persons being respectable who have offered the employment. (*Several letters addressed by the employers of convicts to Mr. Organ were read.*)

3291. (*Chairman.*) Do the fellow workmen of these men know that they have been convicts ?—No, it has sometimes got out, but, as a rule, the employer keeps the fact back from their fellow workmen.

3292. Is there any objection on the part of other workmen to work with men who have formerly been convicts ?—They would not like it, I am sure, although the objectors might not be better men.

3293. Do you think that the men would be exposed to taunts ?—Yes, and that is the advantage of letting only the employer know.

3294. There would be a danger, would there not, if it was known to their fellow workmen, that these convicts would practically be compelled to leave their employments ?—That would depend upon certain circumstances. I have known that in some cases, after two years, the fact has got out that a man was a convict, but his fellow labourers have come to know him, and, finding that he was going on well, I will not call it the prejudice, but the knowledge of the fact has not acted so as to put the man out of his situation ; at the same time I think it would be very imprudent to let the fellow workmen know at the commencement, at all events.

3295. (*Mr. Waddington.*) Can you state shortly the offences for which these men had been convicted, to whom the letters you have read refer ?—Yes ; I have a document that will show the residences and offences, and how many former convictions there were.

3296. (*Sir J. Pakington.*) What is the maximum time that a prisoner is kept in an intermediate prison ?—It depends upon the length of his sentence ; if he has a long sentence, he will be a longer time in the intermediate prison ; he must be there a certain time. The notice that I have read explains that with each sentence there is a certain time that must be passed in an intermediate prison. It is very often 12 months that they have been there. A man, who is now under a sentence of seven years' penal servitude, would be one year and three months in the intermediate prison ; under the old sentences of transportation we had them for 12 months in the intermediate prisons.

3297. (*Mr. Waddington.*) How long would a man under a 10 years' sentence be ?—With a 10 years' sentence it would be in this way—a man would be six years in an ordinary prison, and if he conducted himself properly, he would have a year and a half in the intermediate prison ; after that he would be on ticket of leave.

3298. (*Sir J. Pakington.*) Taking the case of a seven years' sentence, is it not in the power of a convict to shorten that stage on the public works between separate confinement and the intermediate prison by the marks he obtains ?—No, that would not shorten it ; the very best man must be four years there. No man could come out in less than four years, and he would not come then without the required marks.

3299. (*Lord Naas.*) There is a minimum period that must be served in Mountjoy ?—Yes.

3300. (*Mr. Waddington.*) The limited period at Mountjoy being one month less than in England ?—I believe in England it is nine months on the average, and eight in Ireland.

3301. (*Chairman.*) Is the total amount of the remission the same in Ireland as in England ?—Yes, if the convicts merit it.

3302. (*Lord Naas.*) It is the practice in Ireland, I believe, to subject all prisoners who are released on tickets of leave to supervision. Will

Sir W. Crofton. 3 March 1863. App. No. 10. V.

you state to the Commission how that is done in Dublin, and also in the rural districts?—I have a very voluminous detail of the Dublin supervision, of which I think I can give a brief description. I will take Dublin first. The Dublin supervision commenced in the year before the supervision of the constabulary, viz., in January 1856 ; the supervision in the country began in January 1857. The plan of the Dublin supervision was that the lecturer should visit every man who was out on ticket of leave officially, and bring in a fortnightly return to my office, and go into each case with me, and show in the return the employer's name, the standard of wages, and the conduct of the men ; this fortnightly return was filed in the office afterwards. I always had this information checked, when necessary, by a detective inspector of police. I used to call him in in every case that presented difficulty. If Mr. Organ found in his visits that there was any obstruction to his obtaining from the convict full information, he was at once handed over to the observation of the police, in order that they might see very closely whether there was any chance of his infringing his licence.

3303. Did Mr. Organ see these men individually every fortnight ?—Yes, every one of them, and reported on them to me, with the names of their employers. This detective inspector attended at my office two or three times a week, and when he had any notice of failures, as he had sometimes, he used to tell me of them ; he consulted with me and then made a return immediately of the exact state of the case. We had thus a direct police check upon Mr. Organ's reports. Finding in 1856 that some of the men might go out into the country from Dublin and defeat us altogether, we were led at once to the necessity of having police supervision in the country. We were in a very false position as to the public in general, from not being able to account for the ticket-of-leave convicts. We felt that we must be able to say where these men were, or it would produce such a panic that the men would never get employment at all. With regard to the supervision in Dublin, nothing can be more strict, for when anything bad is heard about a man his licence is revoked immediately, and there is this fortnightly official list kept as a check. This is merely a portion or extract from the list (*the same being handed in*) ; extracts from Mr. Organ's usual fortnightly reports ; he has not confined himself simply to the prisoners discharged on ticket of leave, but he has habitually visited, also, other men who have been discharged under the Penal Servitude Act of 1853, whose sentences had expired, but who still resided in Dublin, over whom we have no legal check, but obtain this information. He has visited them and placed them on our reports as well as the others ; it is of course clear that any of these men unconditionally discharged could have closed their doors against him if they had wished, but this visitation has extended over some 400 or 500 people of this class in Dublin. It is of importance because it brings a certain knowledge of these people to us that could not be attained in any other way, both as to the result of our system and the lives they were leading. This report refers to what are called the old Act men—that means men who had been under sentence of transportation, and this document is with reference to men who were under sentence of transportation. The first case that I come to is that of a man whose crime was burglary, there were former convictions, he had been bad in crime for eight years ; there is his name, his residence, his employer's name, and his employment, and his wages. The date of his conviction was in 1852, and he was discharged from the convict prisons the 9th September 1857,

App. No. 10. Y.

he is still reported upon; he commenced to work at 8*s.* a week, but now his wages are much higher.

3304. (*Mr. Waddington.*) What had his sentences been ?—He had been sentenced to 10 years' transportation; he was convicted in 1852 and his term expired in 1862, he is still on this list. In the next case the crime was burglary, former convictions, and for years in crime; he was employed under a public body, his name is given, his residence and wages; he has been out since the 5th July 1857. That was a case of ten years transportation.

3305. (*The O'Conor Don.*) Does it also give the general conduct of those men ?—Yes, there are observations to every one of them. I think that there are something like 140 men under the supervision of Mr. Organ, in Dublin, at this moment.

3306. (*Lord Naas.*) I believe you had, when you were in office, constant communication with the detective officers in the Dublin police who were assisting Mr. Organ in the supervision of those men ?—Constant communications.

3307. Did you find that they generally reported accurately upon the conduct of the men ?—They were a very material assistance to me in carrying out the supervision.

3308. Did they take much trouble in doing their duty ?—They took a considerable amount of trouble when a case required it.

3309. Will you just state to the Commission how Mr. Organ communicated with those men; did he go to the place of their employment, or did he appoint them to meet him at other places, at their own houses, or where ?—He always went to the house of the employer and saw the men, and the employer.

3310. Was the man sent for by the employer ?—Yes; and Mr. Organ then spoke to him.

3311. Did he find that the circumstance of his going to visit these men so frequently was a means of discovering to their fellow workmen who they were ?—I never heard it was so; and I think I should have heard it, if it had been so.

3312. Did he find that the employers themselves, so far from objecting to his visits, encouraged them, and considered them to a very great extent a protection for themselves ?—Quite so.

3313. Do you know how many men Mr. Organ has under his supervision in Dublin now ?—I think the last account that I had from him showed that he had about 130 or 140.

3314. Will you have the goodness to state what circumstances have led to the revocation of the licences of any of these men, either from Mr. Organ's reports, or from the reports of the detective officers ?—The slightest infringement of the conditions of the licence leads to a revocation of it. I do not believe—and I have often put this forth when I was in the department—that any case could be proved of a man breaking the conditions of his licence in Ireland, and remaining at large; he was sure to be put back to separation, and his licence revoked.

3315. (*Sir J. Pakington*) Without reference to how nearly the whole term of his sentence might be expired ?—Yes.

3316. (*Lord Naas.*) Suppose you found that a man was within a fortnight of the expiration of his sentence, and had infringed some of the conditions of the ticket of leave, would you send that man back at once to prison ?—Certainly; for the sake of the principle. I do not know that it has ever occurred in a case so close as a fortnight, but it has done so close as a month or three weeks.

Sir W. Crofton.
3 March 1863.

3317. The circumstance of his sentence being so nearly expired did not interfere with that?—Not in the slightest degree.

3318. Did you find any difficulty in apprehending these men, or were they generally easily caught?—Yes; they were put in the "Hue and Cry," a warrant was issued, and there were very few cases in which they baffled us. At first there were a great many shifts and trials to evade, but ultimately and before long, when they found that many had their licences revoked, and were brought back, they did not even try to baffle us as they did at first.

3319. Have you got a return of the number of licences that have been revoked during the last 10 years?—I can only speak of certain periods of time.

3320. I hold in my hand a "Return* of the number of prisoners "released on ticket of leave in Great Britain during the last three "years, of the number of such persons who have, since their release, "been convicted of any criminal offence or offences; the nature of "their original offence, and the offence or offences for which they "have subsequently been convicted." "And like return as to Ireland." Have you any observations to make upon that return?—The re-convictions in this return, with reference to England, only apply to licensed holders who have been re-convicted. The title of the return is "of the "number of such persons who have since their release been convicted "of any criminal offence or offences" in England. It is evident that the number of convicts released on licence and re-convicted, and the number of licence holders re-convicted, are very different things. There is a difference between men on licence with a short time to run being re-convicted and their being re-convicted after the expiration of that licence. Now the Irish return is drawn upon this plan; it gives the re-conviction of every man who has been convicted and discharged, whether his licence had expired or not; and as to those marked with a star, the original sentence had expired previously to the subsequent conviction. Of the males, 21 out of 51 were convicted in that way, and of the females, 17 out of 19, therefore the English return does not represent the same state of things.

3321. (*Lord Cranworth.*) The one return includes expirees as well?—Yes, which makes an enormous difference, and irrespective of that difference there is another point. It would have been well to have appended to the Irish return, the regulations as to the ticket-of-leave convicts placed under supervision, for it makes a vast difference in the re-convictions whether the men are known to the police through their tickets of leave, and therefore afterwards as expirees. The regulations as to the Irish practice would have given a very different value to the return.

3322. (*Lord Naas.*) Do you believe that you had ample means of obtaining a knowledge of the return of old offenders to the convict prisons in almost every case?—As to the convict prisons, decidedly, a man would be identified at once; and as to the county prisons, in the majority of cases, in consequence of the system pursued.

3323. Will you just state what steps are taken to insure the recognition of a convict on re-conviction?—In the county prisons, when prisoners are suspected or known to have been convicts, they send up a form containing particulars, with a description of the person suspected or known to be a discharged convict. That comes to the convict prison office, in order that the man may be identified; and very often when it is necessary, if a man at all demurs to his identification,

* Parl. Paper, 33. H.C. 1863 (Mr. Butler).

a prison officer is sent down to identify him, and if found guilty of any crime, a letter is in all cases placed on the table of the judicial officer, which has been written to the governor of the gaol, the letter being in these terms:—"Government Prisons' Office.—Sir,— "The enclosed particulars of have been compared with the "books of this office, and are correct. In the event of his being found "guilty of the present charge the directors of convict prisons request "that the notice of the judge may be particularly called to the cir- "cumstance of his being an 'habitual offender,' with the view of his "receiving a sentence proportionate to his perseverance in pursuing a "course of crime. Please to notify the result of the trial to this office, "and return the enclosure at the same time." These are two cases which actually occurred. One man was convicted for picking pockets. He was a convict, and this course was pursued with him. It entailed upon him a sentence of ten years' penal servitude. His character as an habitual criminal was taken into consideration by the judge. I am able to speak confidently on two most important points—information with regard to habitual offenders being sent in each case to the county prisons; and in the case of ticket-of-leave men that their licences have been always revoked for an infringement of the conditions.

3324. (*Lord Cranworth.*) Are any steps taken to insert that in the indictment?—No. When a man is found guilty, the governor puts the letter before the judge before the sentence is passed.

3325. Is there no previous investigation as to whether the information in the letter is accurate?—If a man does not admit the truth of the statement, an officer is sent down at once to be examined.

3326. (*Chairman.*) If I understand you rightly, the means of identifying an old offender are these:—He goes to a different part of the country and is committed under some charge, but the governor of the prison suspects from circumstances that he is an old offender; he then sends his description up to you in Dublin?—Yes.

3327. But if the governor has no such suspicion the man may pass without observation?—Yes, but the governor generally takes the constabulary into his counsel; it may be that they are mistaken, and a man may not have been a convict at all, or a man may avoid observation altogether, but I do not think there are many cases of that kind.

3328. A man who has been convicted formerly in Dublin, and punished in Dublin, may be committed for trial at Cork, and not be recognized as an old offender?—It would be very difficult indeed, because the governors of prisons generally know, from the class and the appearance of a man, that there is something wrong about him. We get them recognized at Cork and other places frequently.

3329–30. Suppose it was at Belfast?—They would send a return up with any suspicion in their minds, and they would suspect a man who had anything peculiar in his appearance and manner.

3331. (*Chairman.*) Suppose a man has taken a different name, is it not very difficult for an officer in Dublin to recognize a man of whom a description is sent from a provincial town?—No, I think not. He has had this man perhaps within the last four or five years in his custody, and besides the general description, and the aid of photography, there is a margin left for observations; practically it is found that very few come into the convict prisons who have not been known in some way, and whose identification has not been made. The result is that the practice succeeds in a very great majority of cases, and operates very beneficially upon the minds of the convicts.

Sir W. Crofton.
3 March 1863.

3332. (*Lord Naas.*) The result of the inquiries is, that in most cases these men are detected?—Yes.

3333. Even although they deny themselves?—Yes, and so important is this practice deemed by the convicts themselves, that I am persuaded it makes a great difference with regard to their conduct.

3334. It increases their fears and deters them from committing crime?—Yes.

3335. (*The O'Conor Don.*) This of course applies to discharged convicts, and not to ticket-of-leave men?—Either the one or the other.

3336. But the ticket-of-leave men, being more immediately under the superintendence of the police, would be quite easy to identify at any moment?—Yes, a ticket-of-leave man would be known almost immediately.

3337. (*Mr. Waddington.*) Unless he had left the district?—Yes.

3338. Suppose that a rural ticket-of-leave man came to Dublin, he would not of necessity be known to the Dublin police?—No, but the police would be on the alert, for the "Hue and Cry" would tell them, and they would be on the look out for these men.

3339. But a ticket-of-leave man would not be recognized in either of the Dublin city prisons in which he had not been before?—The Dublin city police would, in most cases, recognize him.

3340. How would they recognize him?—By his suspicious appearance in general and the information received.

3341. (*The O'Conor Don.*) Would there not also be the fact that the convict department and the rural police would be on the look out for these men?—Yes; I am sure that in Dublin it would be known that such men were about through the convict department. A man would be reported the moment he left his district. It would be in the "Hue and Cry."

3342. (*Sir J. Pakington.*) Are the Commission to understand that it is attempted in Ireland to identify a prisoner as having been previously convicted solely by means of the description you have referred to?—No.

3343. Then what is done beyond that description with a view to identifying a man who has been previously convicted?—I have nothing to do with any further indentification or any previous conviction as to other offences. If we have had these men under sentence of penal servitude, the fact is made known that they are "habitual offenders." The prisons are small in Ireland, and there is a knowledge of the convicts on the part of the officers and others, within a reasonable time. We have often sent four or five persons to make the indentification complete, feeling the importance of marking these men and pointing them out to the judicial officers.

3344. Do you judge on receiving a proper description whether it is worth while to send down officers to identify a man?—Yes, if there was something palpably incorrect as to the statements made with regard to a man the expense would not be incurred; but if there was the slightest idea that he had been a convict every record would be searched with great care, and an officer sent down at once to identify him.

3345. (*Lord Cranworth.*) Would such a man be sent to the assizes?—It would be before his trial.

3346. When a man is tried is there no judicial investigation to ascertain whether he had been previously convicted?—If a man does not admit it the officer is summoned, and he has to give evidence at the trial. The records are kept very carefully and it is not a difficult matter. I am not stating that the procedure is yet perfect.

3347. (*Lord Naas.*) Will you state to the Commission how the

supervision of convicts in the country is carried on through the constabulary?—There is a notification made to the inspector-general of the constabulary the moment a man is liberated, stating to what district he is going, the man then registers himself with the head of the police, states what he is going to do, where he is going to be employed, and reports himself to him once a month. If he removes from that district, his registration is transferred from the district he is in at that time to the one to which he goes, so that he is traced from one place to another. If he does anything to infringe the terms of his licence the constabulary report him and his licence is revoked at once.

3348. Is it necessary that he should be seen by the police once a month?—He must come himself once a month, and report himself to the police, but it is evident that the police do not confine themselves to that, for, knowing where he is, they would look after him a little oftener without interfering with him. I can state from my own experience that there is no undue espionage or oppression practised by the police.

3349. Do the men complain that their visits to the constabulary barrack prevent them from obtaining employment?—In the first instance I had a very large number of complaints from the convicts generally; they came almost in a body, stating that they would rather be kept to the end of their sentences than go out with such a stigma; but as it was quite evident that they would have had to remain to the end of their sentences, as they could not get out on any other terms, that feeling very shortly vanished, and they preferred being placed under police supervision. I have seen some hundred of these people after being subjected to supervision, and with the exception of two cases, in which I recollect complaints being made of interference, nothing detrimental occurred. I state distinctly that in my opinion there has been no undue interference on the part of the police. It is quite probable that some man, when doing wrong, would state that he had been interfered with; but I know that in general practice it is not true.

3350. Have you made inquiries of officers of the police, whether they have found that these visits of the men to the police prevent their obtaining employment?—Yes, I have, and they do not seem to think that it does so at all; the convicts themselves would soon bring it to notice if it was the case.

3351. There are a great number of convicts who are on tickets of leave, are they always employed in the rural districts?—I think so, but I have no accurate means of knowing. It is probable, because they would otherwise be getting into trouble without means of employment; I hear no complaints on that head.

3352. Do you think that the public, generally, are satisfied with the system of supervision, and regard it as a protection to them?—I am quite sure that if police supervision were withdrawn to-morrow from the licensed convicts in Ireland, you would find but little employment for them, and you would have very serious trouble. I have no doubt that it is a very great protection to the public in Ireland.

3353. Are the gratuities paid to these men in instalments?—Yes.

3354. Are they paid by the constabulary?—Not always; in the rural districts they are generally paid by the constabulary. They are asked for what purpose a man requires the money.

3355. Do you find that the supervision in the rural districts through the agency of the constabulary is as efficient as in Dublin through the agency of the officer of the convict prisons, Mr. Organ?—Not to my mind, because you have the supervision of Mr. Organ, and the check of the police besides, in Dublin; but it is ample, I have no doubt, and

Sir W. Crofton.
3 March 1863.

sufficiently protective for the rural districts. Where there is a congestion of these men in large cities, I think it is better to have both appliances at work.

3356. Do you think that in large towns the duty of supervision would be better conducted by an officer specially appointed for that purpose?—Yes, with a certain check on the part of the police. I know that there have been opinions held as to the espionage of a police system, but I am satisfied that there was more espionage in Ireland before the systematic supervision of these licensed convicts, than there has been since. It is quite natural to suppose that the police, hearing that one of these men, a suspicious-looking man, had come into his district, would watch him and dog him about, and I suspect that the fact of the convicts making such an objection to police, as they did at first, was grounded upon that experience. I see that General Cartwright, in a report which he has sent into the Home Office, expresses the same opinion with regard to England; he says that under a proper system there would be less espionage; he is inspector of the north-eastern district. He says that you will give protection to the public in employing these men, which is what I have found in Ireland.

3357. Have you anything further to say upon the question of supervision?—No.

3358. Have you found that there is more objection on the part of his fellow-labourers in the rural districts to associate with a man if they discover him to be a discharged convict than in Dublin?—I have not heard so I have not a personal knowledge of the rural districts, but I have not heard many complaints, and I believe that they would have been sure to be made if there was any real foundation for them.

3359. (*The O'Conor Don.*) You would not have any objection to police supervision in Dublin if you thought it would be efficient?—No; but I do not think it would be sufficiently efficient, and that is my objection.

3360. (*Lord Naas.*) With regard to the returns which have been laid before Parliament and also before this Commission as to the two systems, do you think that the returns show accurately the results of the two systems?—I have not seen any return excepting the one that has been placed before me; I have pointed out not only its errors, but have added that without it was accompanied by an explanation of the Irish system, which hunts up crime in every way, there can be no just comparison made between the results of the two systems.

3361. From the fact of there being police supervision in the rural districts and also efficient supervision in Dublin, you have a much more accurate means of knowing what the convicts are really doing than they have in England?—There can be no question that our knowledge must be very great as to what they are really doing, not only the ticket-of-leave prisoners, but the class of expirees, who are also supervised by the lecturer; that number has exceeded 400, I think nearer 500. As to a comparison of statistics between England and Ireland, you cannot have them in any shape or form to represent the real state of things; in the one case you bring back the ticket-of-leave convict for infringing in the slightest degree the terms of his licence. The police obtain a certain knowledge of this class during the time they are supervising them, which knowledge, when these men become expirees, gives the police a greater insight into what the criminal class are about. As to the period of time included in the return, 1860, 1861, and 1862, I assert that it is not a fair representation of the Irish system, because those are the periods of time in which it has had no opportunity of working in its most important points. We have had old offenders sentenced to three and

four years' penal servitude under the Act of 1857, with remissions, in the one case, of six months, and in the other nine, so that the period of detention has been very short and the period of supervision still shorter. According to the remissions that you have before you, you will find that very few of the Irish prisoners get out at their full time. A great many, probably nearly one half, have only gained three months remission, so that these men have only been three months under police supervision, which is but little check to them. It was only the best that we could do under the circumstances. When these men were sentenced to three or four years, I reported that we could not deal with them satisfactorily. I could read extracts from our reports at the time these men were convicted, to show what we predicted as to the result, that no system could deal with them with advantage.

3362. (*Lord Cranworth.*) Do you think that the sentences ought to be much longer ?—Yes ; old offenders were coming with three or four years' sentences, and the Irish system or any other system must be a failure under such circumstances, for you have not length of time enough to train or supervise them. Therefore I demur altogether to taking those three years as a fair representation of the system.

3363. You concur in the opinion that has been expressed by other witnesses, that no sentence to penal servitude should be shorter than seven years ?—Yes, particularly if the convict had ever been under sentence of penal servitude before.

3364. I understand you to say that the whole system which has been adopted in Ireland depends for its efficiency upon the Government having a power over a man for some considerable time, and that if he receives a sentence so short as three years, there is scarcely any time during which the Government can have any control over him after he gets out of prison ?—Yes, I have spoken of old offenders getting these short sentences. It might happen with a casual offender that a short sentence might be of use to him, and even the short supervision be a little check upon him afterwards, but I demur to so sentencing old offenders, who have been under sentence of penal servitude or transportation before. To render these men innoxious to the public by a three or four years' sentence, still further shortened, I think is impossible. Here were a large number of men, three-fourths, sentenced to the convict prisons in Ireland under the Act of 1857 with three and four years' sentences, and I know of no process of treatment which would under such circumstances be entirely satisfactory.

3365. (*Mr. Henley.*) That is the case in England also ?—No doubt, with the difference of supervision, it being supervision which was of essential use to us.

3366. (*Lord Naas.*) With regard to the general results of the system have you reason to believe that the public in Ireland generally approve of it ?—Yes, without doubt. I find that employers are ready to give employment to these people, and I never hear of any complaints on the part of the public.

3367. Do you find that many men are employed who have been released on tickets of leave, or do you find that there are many men unemployed with tickets of leave ?—Every now and then, but I do not think that there is any general ground of complaint on that score ; the men get sufficient general employment, and they go to the colonies if there is any difficulty ; they cannot, of course, expect to be provided with labour more readily than honest men. I think that they manage to get on satisfactorily.

3368. (*Sir J. Pakington.*) As a rule you have found that they have readily obtained employment ?—I cannot say readily, because I do not

Sir W. Crofton. 3 March 1863.

consider that the people are in such a hurry to take a parcel of thieves into their employment; but I believe that in consequence of the supervision that is exercised, employers come forward in a sufficient number to prevent it being a hardship upon the criminal, especially taking into consideration that he can get out to a colony if he fails in obtaining work.

3369. I understood you to say that you had made it an object, in order to test the efficacy of this system, to ascertain how far these men had succeeded in obtaining employment, after obtaining their release under a licence?—Yes.

3370. What is the result of your investigation, practically; has the great majority of these men readily, by which I mean immediately, obtained honest employment?—Very generally, those that have remained in the country.

3371. (*Mr. Waddington.*) Have they not in Dublin been most materially assisted by Mr. Organ, has he not secured employment for them?—No doubt of it; he has obtained it for them. He is a most zealous person, of whom it is impossible to speak too highly.

3372. (*Sir J. Pakington*) Mr. Organ has made it a part of his duty to try and find employment for these men, and has generally succeeded; is that what we are to understand?—Certainly.

3373. (*Lord Naas.*) Many of the prisons, I believe, were closed during your direction in Ireland?—Yes.

3374. Which were they?—Newgate, Phillipstown, and the part of Grange Gorman that was given over to the Convict Department; and there were two out-stations, small ones, which scarcely deserve the name of prisons.

3375. You have had no transportation from Ireland, I believe, since 1853?—No.

3376. So that the Irish convict system has dealt with all the prisoners who have been sentenced to penal servitude and transportation during that time?—With all; there has been no assistance from transportation.

3377. Will you state in round numbers the discharge which have taken place from prison, from January 1st 1856 to January 1st 1862?—There were, I think, upwards of 4,600.

3378. How many of those, during that time, returned to the convict prisons?—There were 10 per cent. who returned to the convict prisons during that period; but I must explain. I will read to the Commission a paragraph from the report for 1861, in order to show why I take that period:—"Since January 1854, 6,121 convicts have been "liberated in Ireland; and since the establishment of intermediate "prisons, upwards of six years since, only 10 per cent. of all classes of "convicts liberated from the government prisons since that time have "returned to them." This includes all classes, whether they had been discharged from the intermediate prisons or otherwise, or whether they had been badly-conducted men, or those whose licences had been revoked; this brings the re-convictions and revocations to 10 per cent. out of 4,600, including all classes, and which, I maintain, is a most complete statistic. There are no proportionate per-centages of re-convictions to the whole number actually in prison that are worth anything for the purpose of ascertaining the results of a system.

3379. (*Mr. Henley.*) Do you affirm that a recommitment to a convict prison is no element in judging of the results?—Not always, for instance, it would be quite possible in a prison that was very full, and under rather a lax system of procedure outside, to have a small proportionate number of reconvictions to the whole number in the prison; then again you might have another prison that was half empty, and with a stringent mode of procedure outside you might bring back

your old convicts to the prison, and your proportion as to the whole number would be very much larger than under other circumstances.

3380. That of course, but you are giving us a statement of the whole number of persons who have been discharged in Ireland, and I understood you to say, that any evidence with regard to the number of re-committals to those persons would be no element at all by which to judge of the success of the system ?—I intended to convey that the proportionate number of re-convictions to the total number in the prisons at any given time would be no guide.

3381. But a comparison with the whole number who had gone out would?—An actual return of the whole number who had gone and returned would be an infallible test; and I say, "To give value to this statement, "it is especially necessary to note the appliances in Ireland for bringing "old offenders to justice, and that, in addition to these appliances, the "period named of six years is not sufficiently long to make recognition "impossible in small establishments. With regard to licensed convicts, "who are included in the above number, we can state that all cases of "proved infringement of the stringent conditions attached to such "licences have been followed by their revocation." Included in that 10 per cent. are those whose licences have been revoked; it is to be taken just for what it is worth. I did not take an earlier period, viz., from January 1854, although that would have reduced the number of re-convictions very much; I took a period of time since which there has been more information about them, and in a limited period of six years, on which reliance could be placed for identification.

3382. (*Mr. Waddington.*) It does not include those who have been re-convicted and sent to the county prisons?—No; only to the Government prisons.

3383. A very large number, I suppose, were re-convicted and sentenced to imprisonment in the county prisons?—I should hope not a large number. Every effort has been made to get them back to the convict prisons again. I should not say very many.

3384. Have you seen a report of the Dublin Prison Board?—Yes, and I believe it to be erroneous.

3385. It is signed by the Lord Mayor and all the justices?—Yes; I understand it was written by the governor of the Bridewell, and that the Lord Mayor had nothing to do with it. To this extent it is wrong, that several cases are counted over again in the return to the 20th December 1862, and that would make a great difference. I know that some other statements in it are not correct.

3386. (*Lord Cranworth.*) Do you mean that the same man has been named more than once?—Yes.

3387. (*Mr. Waddington.*) I will read to you this passage:—"The "following abstract gives the number of returned convicts committed "for new offences in the year 1861, and to the 20th of December 1862, "showing how they were identified and disposed of:

App. No. 9. A.

By whom identified.	How disposed of.			
	Total.	Penal Servitude.	Imprisonment.	Discharged.
Officers of Richmond Bridewell - - -	33	9	22	2
„ Convict Prisons - - - -	10	2	7	1
Admitted by themselves - - - -	8	1	6	1
	51	12	35	4"

Sir W. Crofton.

3 March 1863.

Therefore there were 12 old convicts who were sentenced to penal servitude, 35 who were sentenced to imprisonment, and 4 who were discharged. I should be glad if you will inquire into that?—I have not the document here, but I could answer a certain part of it in this way:—It is quite probable that the convicts may have received short sentences; but I can declare, as to this Bridewell, that there has never been a case sent to the convict prisons office without every possible step being taken to secure identification. I am able to state that in every case, where there has been evidence that the individual was an habitual offender, a letter was laid before the judicial officers to endeavour to get him back to the convict prisons. Dublin is a place, it must be remembered, where there is a congestion of all these people, where they are very much known, and where there are, in addition to the ticket-of-leave men, very many expirees.

3388. (*Mr. Henley.*) The paper that has been referred to represents persons who have been sentenced to penal servitude in Ireland, discharged under licence, or have been expirees, and who have been subsequently re-convicted of some offence or other; and it appears that out of a number of 51, 17 could not by possibility have been sentenced to penal servitude, because they were offences to which that punishment could not be applied—therefore to that extent it shows that many persons may have been sent to prison for various offences who were either expirees or licence-holders in Ireland, and that would swell the number beyond the 10 per cent. which has been stated?—I have no hesitation in admitting that 10 per cent. does not represent the number of men who are re-convicted throughout the whole country. I have stated that 10 per cent. only refers to the convict prisons, but I am very far from saying that 10 per cent. would include those sent to the county prisons.

3389. That 10 per cent. includes only those who have been a second time sentenced to penal servitude?—Yes, and licences revoked for irregularities.

3390. When we understood you to say that the number that went into the county prisons was limited, that might perhaps be subject to some consideration; but do you think as many as another 10 per cent. get into the county prisons for one offence or another?—During the year 1860, according to the returns that I have obtained from the county prisons and verified, there were 59 persons who had been convicts in the county and borough prisons under short sentence.

3391. In your opinion is that return to be relied on?—As far as we could make it so by the correspondence at the office; when they have had any men in the county prisons, it has been their business to report the fact of their being so, and ours to check their accuracy.

3392. Assuming the figures to be correct, this result would appear, that the number of persons who fall into crime again fall into more serious crime, and get into the convict prisons and not into the others?—Not so.

3393. Why would it not be so?—Because these men, having been in a convict prison, would under our procedure generally lead to longer sentences being passed upon them, although the offence was not of a graver character; it might be simple larceny, but the fact of the man having committed a previous burglary would induce a longer sentence of penal servitude to be passed upon him.

3394. But with regard to all those trifling offences, such as assaults, which form an immense proportion of the summary convictions, it would seem, if the number is anything so small as you have stated, that that class of offences is not committed by persons who have been in

convict prisons ?—As far as the return that I can give you is accurate the number is recorded. *Sir W. Crofton.* 3 March 1863.

3395. (*Mr. Waddington.*) Will you just look at that return (*the same being handed to the witness*) of Captain Whitty which gives the number of the penal-servitude convicts, on a particular day in October, 1862, in the county prisons, as 59 ?—Yes, under sentence. App. No. 10. Q.

3396. That does not give the number, I believe, that passed through in that year ?—There is an explanation required, viz., that you have now in these returns men and women that were under short sentences of three and four years, and, as I have before said, that will make a great difference in all the returns you now get from Ireland.

3397. Do you suppose that these are principally short-sentenced persons ?—I suspect so.

3398. (*Lord Naas.*) You will observe from the returns that have been laid before the Commission, that there has been a considerable increase in the number of convicts sentenced to penal servitude in 1862, over the two or three preceding years ; I think the number were, in 1859, 316 ; in 1860, 297 ; in 1861, 354 ; and in 1862 the number had increased to 577. Have you any remarks to offer to the Commission on that subject ?—Yes, the number for 1860 is wrong, it should be 331, but during the year 1862 I find that there had been 41 workhouse offences committed in the Dublin workhouses. An emeute took place that caused 41 of those sentences. The offenders were sent en masse to the convict prisons, being 41 out of the difference of 223. App. No. 1. C.

3399. (*Mr. Waddington.*) What were the offences committed ?—Setting fire to a workhouse. There were 49 re-convicted discharged under the Act of 1857, with three and four years' sentences, which were reported as inadequate periods to do any good with them.

3400. Forty-nine were penal-servitude convicts discharged under short sentences ?—Yes. Then there is sheep-stealing, 24 cases against six in the previous year, and there was an increase which it is most important to note in the three-year sentences. Those for 1862 were 207, and for 1861 they were only 93, therefore there is an increase of 114 in the three-year sentences included in the difference of 223. We have all heard, or very few have not done so, of the extent of the distress which prevailed in Ireland during the whole of 1862, and in some part of 1861. I was, I must confess, astonished to find a sudden rise in one year of from 368 to 577, and I have endeavoured to get at the cause. No reasonable person could believe that, after seven years' trial of the system, a sudden rise of that description could be accounted for by anything in the system itself. I have been looking for disturbing causes, and I have, I believe, found them. I will pass to the consideration of the distress in Ireland. According to the poor relief returns on the 1st January 1860, there were 44,929 paupers ; upon the 1st January 1863, there were 65,847 receiving relief, showing a difference of 21,000 between the paupers receiving relief in 1860 and in 1863. We have nothing to do with the county prisons ; but I find that in January 1862 they had 2,916 prisoners in the county prisons, against 2,488 on the 1st January 1861, showing an increase of rather more than between 400 and 500 people in the county prisons, the numbers rising again on the 1st January 1863 to 3,055. I then trace the 50,683 paupers receiving relief on the 1st January 1861 to an increase in the county prisons rising to 2,916, and to the large increase in the convict prisons in 1862 ; and if we connect that circumstance in our minds with the excess in the three years' sentences of 118 in 1862 over 1861, it is a fair assumption, I assert, that distress has had a considerable deal to do with this great increase in the number of

Sir W. Crofton. 3 March 1863. criminals sent to the convict prisons. We can remember that during the famine, crime increased suddenly, as represented by an excess of 1,600 in one year being sent into the convict prisons, and it is certainly fair to assume that the very great distress that existed in 1862 operated very much in bringing persons to them. I connect this statement with the number I have already given of exceptional offenders. There has been also an increase in agrarian crime, quite a special class of criminals ; there were 13 agrarian offenders of a serious character sentenced during the year. I believe that, considering the comparative failure of short sentences in the Irish convict system, and our appliances for dealing with the criminals outside, and returning the relapsed to the convict prisons, the result of the year 1862 is by no means unsatisfactory.

3401. (*Lord Naas.*) Do you think that the increase that has taken place in the sentences to penal servitude in Ireland does not show a material increase in what might be called the criminal classes, for the reasons you have given ?—I think not.

The witness withdrew.

Adjourned to Friday next, at 12 o'clock.

Friday, 6th March 1863.

PRESENT :

Earl GREY.	Mr. HENLEY.
Lord NAAS.	Mr. WADDINGTON.
Lord CRANWORTH.	Mr. RUSSELL GURNEY.
Mr. BOUVERIE.	The O'CONOR DON.
Sir JOHN PAKINGTON.	Mr. CHILDERS.
Mr. WALPOLE.	

EARL GREY IN THE CHAIR.

Sir W. Crofton. Sir WALTER CROFTON further examined.

6 March 1863. App. No. 10. S.T. 3402. (*Lord Naas.*) A return has been laid before the Commission relative to the cost of the Irish convict prisons, is there any remark that you wish to make to the Commission on that point ?—Yes ; I should wish to observe that as this return is made up giving the cost for each particular prison, the cost for the intermediate prisons will appear to be excessively high. It is therefore necessary to take the whole expenditure into consideration, and examine the total cost of each convict in all the establishments taken together, as there are many charges made in the intermediate prisons, such as cumulative gratuities, the larger gratuities, the amount of the travelling expenses of the convict on discharge, clothing, and many items, which should be distributed. They are explained in the margin, but it is necessary to call your attention to them. If those higher charges did not take place in the intermediate prisons, they would be spread over the other establishments, and raise their cost. It is therefore necessary under the Irish system to look at the total cost of each convict in all the prisons taken together. It will be found that the return just sent in is made up for nine months of the year 1862, and the gross cost per annum will be 26*l.* 6*s.* Deducting the convict's labour, the cost will be 12*l.* 15*s.* 1*d.*, including the intermediate prisons, and this is very low

App. No. 10. T.

3403. (*Mr. Waddington.*) What does it amount to per head in the intermediate prisons?—The amount per head, after deducting the value of the labour, is 27*l.* 8*s.* 7*d.*

3404. (*Lord Naas.*) It has been stated that in Ireland the same class of desperate criminal is not to be found as in England, and that in fact the habitual criminal class in Ireland is smaller and of a less dangerous character than the same class in England, what is your opinion upon that subject?—As to the habitual criminal, I have a return here of an examination made in Ireland by the Social Science Association, in August 1861. I must correct what I have just stated; 40*l.* 11*s.* 8*d.* is the net cost in the intermediate prisons in the year 1861 and 1862, but, as I before stated, this cost must not be taken excepting in connexion with that of the other prisons. The total cost given by me is correct. To return to the habitual offenders, there were at that time in the Smithfield and Lusk prisons 94 men out of 118 who were habitual offenders; I have their convictions with me. It has been sometimes asserted that this class did not pass into the intermediate prisons; this document will show not only that they come into the ordinary convict prisons, but into the intermediate prisons. There were on that day 94 out of 118 with former convictions.

3405. Do you think that they may be said to have belonged to the habitual criminal class?—Yes, certainly.

3406. Do you find that there are in the prisons a number of refractory prisoners, and that when they first come you have great difficulties in dealing with them?—Yes, many of them.

3407. There is a considerable class in Ireland who have followed crime as a calling, is there not?—I have no doubt of it whatever, and I think this document illustrates the fact to a great extent.

3408. Of course, persons convicted of agrarian offences do not belong to that class?—No. As to agrarian offenders, that is, agrarian offenders connected with combinations, who were discharged, from the 1st of January 1856 to May 1862, the total number discharged was 107, and of those previously convicted 7, illustrating that those offenders do not generally belong to the criminal class.

3409. A re-conviction for an agrarian crime is comparatively a very rare case, is it not?—Yes. I mean agrarian offenders connected with combinations.

3410. (*Mr. Waddington.*) Do you mean in relation to tenant-right?—Yes, or something similar, when the offence is committed by combination.

3411. Conspiracies?—Yes.

3412. (*Lord Naas.*) Should you wish to see special prisons for grave offenders established, in which the discipline should be sterner and more severe than in the ordinary prisons?—I should very much wish it.

3413. Will you state the class of offenders that you would wish to see so treated?—I believe that a very grave offender, or one who perhaps has been subjected to penal servitude before, and again commits very outrageous crimes, belongs to the class of men that should be imprisoned in one of these prisons, under a very stern discipline and, according to my view ought to be retained till the end of a very long sentence.

3414. Do you think that the presence of those men, with other offenders, would interfere with the discipline of the establishment?—I think that they would interfere with the discipline of the establishment, but that would not be the only reason why I would exclude them; it would be principally because I think it would have a more deterring effect

Sir. W. Crofton.
6 March 1863.

upon those outside, and be the most effectual means of checking serious crimes.

3415. When you speak of the habitual offenders, what do you mean exactly by that expression, what treatment would you adopt for those grave offenders ?—I am now speaking not of habitual offenders, but of very grave offenders. I think that the very fact of keeping them by themselves, as we have endeavoured to do as far as possible in Ireland, away from the large bulk of the prisoners, has a very deterring effect. I should only give them as little food as the medical officer thought fit, and keep them to the end of their long sentences. I should infinitely prefer that system of discipline to sending them to a colony.

3416. You think that men who have been convicted of such very grave crimes are not fit for transportation ?—I think that they are not fit for transportation to a colony, for I think that sending them there would not be sufficiently deterring. I believe that the convicts, as a rule, and I have not heard a different opinion from those who have had to do with them, are anxious to go to a colony. I am persuaded that if we sent outrageous criminals to a colony, the serious offences would increase under the practice. I think we can deal with them at home, and very satisfactorily. I do not speak without experience as to the detention of convicts. I know some persons consider that they cannot be kept for a long period in prison, but we have kept them in Ireland for 13 years. I do not believe it has been the practice here to keep a man for 10 years, if so long ; but I have observed the effect of keeping them for 13 years, and I have seen nothing to make me believe but what they could be kept a much longer period.

3417. There would be no difficulty, you think, in carrying out sentences of 20 years penal servitude, if it was thought advisable ?—I believe not, if proper arrangements were made for the purpose.

3418. Are the works at Spike Island approaching completion ?—No, I believe not ; I think that there is work there for the next five years.

3419. Do the convicts work separately at Spike Island from the free labourers ?—Entirely.

3420. Do you think it is objectionable to have a mixture of convicts and free labourers employed on the same work ?—In the early stages of discipline certainly.

3421. That does not take place at Spike Island, I believe ?—No.

3422. Are there no free workmen upon the island ?—There are a few, but they are kept away from the convicts.

3423. Would there be any difficulty, supposing the works at Spike Island were completed, in moving the establishments and chief buildings to some part of the coast or the country where it was thought advisable that public works should go on ?—I do not think there would be any difficulty whatever.

3424. Do you think that the system pursued at Spike Island would necessitate the erection of costly and large buildings ?—No.

3425. Could it be conducted in iron prisons or edifices of that nature ? —Yes ; there is already a moveable iron prison with cells at Philipstown ; it holds 250 men, and I think it could be removed wherever it was required. When I spoke of moveable huts the other day I was speaking of prisoners in a different stage.

3426. Do you think it would be advisable in such cases as that to employ men in small numbers and to divide them as much as possible ? —I should infinitely prefer it.

3427. Would that give very great opportunities for classification ?— Yes, I have no doubt of it whatever.

3428. Would it add very much to the expense to proceed with special works in different parts of the country, or would it be attended with such an additional amount of expense as would render it objectionable ?—I think not.

3429. You think it could be done cheaply and effectually ?—I do.

3430. Are you in favour of retaining the power of transporting convicts ?—I feel satisfied that we must transport our convicts to Western Australia until we have a better control over them at home. I do not expect it will be very long that that colony will desire to receive them. I believe that a far better practice than transportation will some day be found by encouraging voluntary emigration. But at this moment I believe that there is no course open to us but to send the number that Western Australia can receive, and to send the better class of convicts.

3431. There has been no transportation from Ireland since 1853, I believe ?—No.

3432. Do you think, supposing you had remained Chairman of the Irish Convict Board, that you would have suggested a return to the transportation system ?—I should not have suggested it as far as Ireland was concerned. I suggest it now because I fear there is a necessity for it on account of the large number of convicts uncontrolled in this country.

3433. (*Mr. Childers.*) Do you mean in England by the words "in this country" ?—Yes, I should not have suggested any alteration as to Ireland.

3434. (*Lord Naas.*) Will you briefly describe to the Commission the mode in which the female convicts are treated in Ireland ?—The female convicts are first of all sent to Mountjoy prison in Dublin, the only female prison that we have ; all classes of convicts are there kept four months in strict separation, that is what is called the probationary stage ; they are moved into the third class upon the same principle as the men, for two months ; if a woman conducts herself well in the third class, she is moved into the second and retained there for six months ; if she obtains the necessary number of marks she is removed into the first, and in the same way afterwards to the advanced class. A woman, when she is in the third class, is kept in her cell the same as if in probation, merely receiving 1*d.* a week gratuity ; when she comes into the second class she has her cell door open for one half of the day ; when she gets into the first class, those sleeping separately work in association in a room ; when in the advanced class they are put together in a room and kept by themselves in another part of the building, and employed on special works, such as in the laundry and in works about the prison. There is another class, a class for the refuge, it is called the refuge class, and those in that class are kept by themselves, so that each class is subdivided and located as far as possible by themselves. I must explain that there are two refuges in Ireland, and the object in establishing those refuges early in 1856 was this : it was found that there was very great difficulty in getting a female to be taken into employment ; there was some chance that the men might be taken as labourers, but to get the women into domestic service appeared to be utterly impossible. I am persuaded, as far as any system of prison discipline that I have had to do with goes, that no one would have come to the prisons and have taken the women out of them into service, however well conducted they may have been.

3435. Is the system of marks and the power of a female convict to work herself out of one class into another as far as can be nearly similar to that which is pursued in the case of the men ?—Yes ; there

Sir W. Crofton. 6 March 1863.

is a difference in the time of their being kept in strict separation, the men are nine months so kept, and the women only four, but when they obtain their marks for each stage they are advanced in a similar manner.

3436. What was the object in reducing the period of separate confinement as to the women?—The women are kept, in a general way, more strictly as to their separation; in the second and third class they do not associate in work as the men do in the male prisons.

3437. During the greater part of the sentence they are kept more separated than the men are?—Yes.

3438. I believe that no female is discharged now except into one of those refuges on licence?—Not on licence, unless some guarantee is given that there is some home for her to go to.

3439. Are the refuges capable of receiving all the female prisoners who are discharged on tickets of leave?—Yes; they are not full now.

3440. What are the names of those two institutions?—There is a refuge for Roman Catholics at Goldenbridge near Dublin, which is conducted by a Roman Catholic lady, of course, as the great majority of our prisoners are Catholics. There is a Protestant Refuge also which is managed by a committee of ladies in Dublin. A description of those refuges is before the Committee, I think, in a document which is put in. The object of their being established was to endeavour to pave the way of the well-conducted convicts back into the community; we believed that the recommendation of the ladies at the head of the refuges would be attended to.

3441. Have the efforts of those ladies been generally successful in obtaining employment for these women?—Very much so.

3442. You think that they are a valuable adjunct to the system?—I do not know how the system would go on without it. I should feel, as far as the women are concerned, that it would fall completely to the ground without such adjunct.

3443. The difficulty of obtaining employment for the women being so much greater than for the men?—Yes, so very much greater.

3444. (*The O'Conor Don.*) As the female convicts in Ireland are not discharged on the world on tickets of leave, but are sent on licence to refuges, have you found this arrangement disadvantageous to the discipline of the female convict prisons?—Not at all.

3445. Have you ever heard complaints from the convicts regarding this restriction, or have the officers of the prison ever represented to you that under it there was a less motive for good conduct on the part of the prisoners?—No; that question would refer to what I ought to have explained, that all female convicts who gain these marks do not go to a refuge; there are many very grave criminals who do not go there, and there are others that are serious invalids who do not go there, and very aged persons who have long persevered in a course of crime and drunkenness, some having 70 or 80 or more former convictions against them. They are persons who would be considered in a refuge as perfectly hopeless; the object of the refuge being to try to satisfactorily draft these persons into the community again. I have not found the arrangements interfere with the discipline of the prison. I know that their not being received at the refuge has been objected to in England, but I am certain that it has a good effect to mark the distinction between the classes.

3446. Is it not a fact that a well-disposed female convict would prefer to be sent for a time to the refuge, coming from which she could

more easily get employment, to being discharged at once on the world ? —Unquestionably, if well disposed.

3447. If the refuges were abolished would not the result be that whilst there would be an increased motive for deceit on the part of the unreformed and badly disposed convicts, there would be little or no increase in the motive for exertion on the part of the well-disposed ?—I am sure it would have a bad effect on the prisoners, as there now is a very great motive to exert themselves to get to the refuges.

3448. With regard to voluntary emigration, —from the returns furnished to the Commission, it appears that about 13 per cent. of the convicts disposed of in Great Britain between 1857 and 1861 were transported during that period, but you state that none were transported from Ireland ?—None.

3449. It also appears from another return, that of 1,662 convicts released in Ireland on tickets of leave during the six years preceding 1861, about 21¾ per cent. voluntarily emigrated, would you consider it fair to apply this proportion to all the convicts discharged during that time, and to say that because 21¾ per cent. of the ticket-of-leave convicts had emigrated, therefore 21¾ per cent. of all discharged convicts had also emigrated ?—Certainly not, because that document applies only to those on ticket of leave who are supposed to have gone, but there is no record of those whose sentences have expired.

3450. You do not think that an equal proportion of all the convicts discharged during the time I have referred to had also emigrated ?—I have no possible means of accurately knowing, and I could not assume on authentic information such a proportion.

3451. Granting, however, that this proportion of Irish convicts does emigrate, does it not follow, that if half the proportion emigrated from England, this half, coupled with the 13 per cent. forcibly transported, would give a larger proportion of criminals abstracted from England than from Ireland ?—Clearly.

3452. The facilities for emigration are much greater from England than from Ireland, for in the first place the convicts in England have the Prisoners' Aid Society to assist them, and in the next place, the gratuities received in England are much larger ?—They receive larger gratuities, and they have the Discharged Prisoners' Aid Society to help them.

3453. The facilities for emigration are therefore greater, if they choose to avail themselves of them ?—Yes, but our lecture system rather tends to encourage emigration.

3454. That is the effect of your system ?—Yes, and I consider it as an important element in it.

3455. The actual fact is, that if the convict system in England produced the same effect as your system, the means of carrying it out would be greater in this country ?—Yes, certainly.

3456. If then an equal proportion of convicts do not emigrate from England voluntarily, I presume you would not set this down as an argument in favour of the English system ?—Certainly not, but I am speaking in ignorance as to the per-centage that leave England. No person can know. I am taking your figures.

3457. You consider that voluntary emigration is one of the great advantages of any convict system ?—To my mind it is, because a man is severed from his antecedents, and I believe that the perfection of a convict system, would be one that induced a large voluntary emigration.

3458. Your experience would lead you to believe that the well-

Sir W. Crofton. 6 March 1863.

disposed men are those who emigrate, and not the unreformed men?—I am satisfied that it is the best men who go.

3459. Do you consider it is difficult to maintain police supervision in Ireland, if the convicts are free from such supervision in this country?—Yes, I do, and I can give you a reason; there have been many letters sent to the Government, complaining of the difference—the men having come home together from Bermuda—made between the English and Irish convicts, the English convicts being released under different circumstances; the one class being perfectly free from police supervision, and the other being subjected to it. It is very natural to suppose that they would feel the difference very much.

3460. (*Mr. Waddington.*) From whom did the complaints come?—They came from Irish convicts who had come home from Bermuda with English convicts; they have also repeatedly made complaints to me.

3461. (*Chairman.*) Do you mean those who had come home from Bermuda?—Yes, men who had been associated with English convicts, and had come home in the same ship; but other convicts have also said, "Why should we be subjected to this disability when the English "convicts are not." The difference cannot long be maintained.

3462. (*Mr. Henley.*) You stated in the early part of your examination that you thought the first stage of the confinement should be more penal in two particulars, first in the diet, and secondly in the absence of labour of an interesting kind?—Yes.

3463. Is there any other circumstance in the first stage of the Irish system that in your opinion makes it more penal than the English system?—There is no gratuity to prisoners in separation in Mountjoy prison; I am not aware of anything else at this moment.

3464. Which would be in addition to what you stated before?—Yes, in addition to what I stated before.

3465. What is the rule in the first stage of imprisonment in Ireland as to communications with their friends either by writing or seeing them?—I would rather that Captain Whitty explained that to the Commission, as he will have the rules with him, but as far as that is concerned I believe they are almost identical with the English practice.

3466. When the prisoners get into the second stage you have stated that in your opinion from 70 to 75 per cent. of the prisoners both in England and in Ireland are of what are called the criminal class, but we have now heard of what are called habitual offenders in certain classes of crime whom you have excluded from the criminal class; will you be good enough to define exactly what you mean by the criminal class?—The class that I allude to as habitual offenders is the same that I alluded to on the last day when I was examined, when I spoke of from 70 to 75 per cent.; the way in which I would define habitual offenders or the criminal class is this: those who make their living by crime, criminals by habit and by reputation, not casual offenders; a man may commit one offence and be called a casual offender; while another man may have committed an offence before, and known to be in the habit of living by crime; I should say that the latter was of the criminal class.

3467. Without reference to the nature of his offence?—Yes.

3468. In one part of your examination I think when you come to consider the results of the system you excluded sheep-stealing?—I think that sheep-stealing was referred to as a mode of accounting for, or of endeavouring to account for, the sudden increase in crime in the year 1862, and I stated several circumstances that I thought had tended to that increase, among the rest I mentioned 24 sheep-stealers against six in the year preceding. Sheep-stealing in Ireland very

commonly occurs from distress, although at the same time I am by no means prepared to state that all such cases are attributable to that cause, because there is sometimes an habitual criminal who is a sheep-stealer. I have known men return to prison for sheep-stealing. I pointed out the 24 cases against six in the previous year; I referred to the known destitution in Ireland, illustrated by returns from the different unions, and the sudden increase of 118 sentences of three years penal servitude over the year before. I stated that these were causes operating to account for the sudden increase of crime in 1862. *Sir W. Crofton.* 6 March 1863.

3469. Then the Commission are to consider that all persons who may have been either transported or sentenced to penal servitude, such as sheep-stealers, or agrarian offenders, and persons of that class, do not come, in your judgment, into the 75 per cent. you have spoken of as habitual offenders?—I cannot quite say that of the sheep stealers, because a certain number of them, in my opinion, are habitual criminals, and very cunning ones too. I cannot lay down the doctrine that a man is not an habitual criminal because he is a sheep-stealer, because I know many cases to the contrary.

3470. Sheep-stealing has not been a very unfrequent crime in Ireland of late, I believe?—It has been unfrequent of late, but it was a frequent crime in former years. Whenever distress prevails you will find that the number of sheep-stealers will increase.

3471. It is with reference then to the prevalence of distress that crime increases or decreases?—With a certain class of crime.

3472. Sheep-stealing, for example?—Yes.

3473. (*Chairman.*) I understand you to mean that the mere offence for which a man is convicted is a very uncertain test of whether he belongs to the criminal class or not, and it becomes necessary to look back to his past history to ascertain how that is?—Yes, that is what I wish to convey.

3474. (*Mr. Henley.*) When you were referring to the second class you described the system of marks, and you stated that you thought it was as good as any mode that you knew of to ascertain the conduct of a man during his imprisonment?—Yes; having, as I hope, clearly given the credit of that system to Captain Knight.

3475. The value of that system, you said, consisted in its affording an exact knowledge of what a man's conduct was while in prison?—Yes.

3476. Then you described the intermediate stage, and there I understood you to say that you thought about 75 per cent. of the whole came into that intermediate stage?—Within the last three years that has been the proportion. I stated also that I was in hopes that that proportion would increase, and I think one might reasonably suppose that it would, because we have lately been dealing with short sentences of penal servitude, such as three and four years, in a great number of cases. I hope the time will come when they will have longer sentences, and thus afford a better margin for their improvement, and attainment of the intermediate prisons.

3477. When did the present system first begin in Ireland?—In December 1855 or January 1856, speaking of the intermediate prisons.

3478. The intermediate system began, of course, after the prisoners had gone through the two first stages; they passed through those, which must have taken something like two years, I suppose, at the least?—No; not at the commencement.

3479. When did the first persons come into the intermediate stage?—In December 1855, I think, or January 1856.

Sir W. Crofton.
6 March 1863.

3480. You stated that in that stage, so far as you knew, no evil had arisen from association?—None whatever. I can speak decidedly upon that point.

3481. That is to say, you could speak decidedly, I suppose, as to your own knowledge; you cannot speak of the fact?—I can speak to the fact; that it would have come to my knowledge, I feel assured, if there had been anything of the kind. I can speak decidedly upon that point.

3482. You can speak to everything that has been detected, and which has come to your knowledge; but do you mean that nothing may have occurred that has not been detected?—I believe firmly that anything of the kind would have been detected, and it would have come, therefore, to my knowledge.

3483. How many persons are in a room?—Fifty.

3484. How many attendants are there in that room?—There is a little room at the end, with a window between, with accommodation for three officers.

3485. And no officer in the intermediate room?—No, but it is in the same hut; there is a large window which looks into the room, where there is a lamp suspended.

3486. Those officers being on duty by night as well as by day?—Yes; they are always on duty.

3487. What probability is there of their vigilance being exercised during the night, if they are on duty all day?—I believe that their vigilance would be quite sufficient, but I should rest on something more than the officers—on the tone of the 50 inmates.

3488. Do you think that a man who is on duty all day, and who sleeps in another room, is likely to have much knowledge of what goes on in the prisoners' room during the night?—Yes. I believe that if there was a disposition to do anything that was wrong, the knowledge that the officers have an opportunity of looking into the room through the window would check it.

3489. In these intermediate prisons, have the persons undergoing punishment in them any access to women?—No.

3490. That cannot possibly happen?—No; or when I say "cannot possibly happen," possibility is a word that requires some explanation; they ought not to have, and could not, in my opinion, have any such access, but everything is possible; a man might break away from control, but it is highly improbable.

3491. These men are described as working upon open ground almost, therefore it is possible, although you believe it is not likely?—I deem it highly improbable rather than not likely.

3492. During this stage you say that lectures have been given to them with a view of inducing them to emigrate?—That is one of the objects in view in lecturing them, to explain the different colonies to them, in order that they should understand where labour is required and where employment may be obtained.

3493. That is to say the advantages to a man going out to a colony are put plainly before him?—Yes, the advantages of every colony; the lectures are often geographical lectures.

3494. I suppose that telling a man how to obtain money for his labour is of more consequence to him than the geographical part?—A great deal.

3495. Is that also explained?—Everything is explained.

3496. Are the advantages of enlisting explained to the men?—That does not require very much explanation.

3497. I merely ask you the fact. It has been stated that enlistment

into the army and the militia absorbs a portion of the criminals?—That is not made part of the lectures.

3498. When you used the word "emigration," and as it has been used in this inquiry, does it include persons who pass into England and Scotland?—No further than this, that the term "emigration," as it is used in the returns on this table, includes men who are known to have enlisted or to have entered the militia. Emigration, &c., was put down, and, as I understand, that includes men who have enlisted and entered the militia, but with regard to any other persons who may have gone to England and Scotland, I am not sure that they are included in that return.

App. No. 10. C. D. E. F.

3499. (*Mr. Waddington.*) The expression used in the return is "gone abroad," not emigration?—I can speak confidently as to what I have stated. I have seen Captain Whitty upon the point, and it includes those who are believed to have enlisted and entered the militia.

3500. In Ireland also?—Yes, who have enlisted or entered the militia in Ireland.

3501. (*Mr. Henley.*) I think you stated that something like 25 per cent. in your opinion was included in three classes—emigrants, men who had enlisted, and those who had entered into the militia, and that it did not include those persons who had voluntarily passed into England or Scotland to obtain labour?—That was only an opinion of mine as to the 25 per cent. I have no record of it, and your returns bring us only to 21 per cent. of licensed convicts. I have looked into these things closely, and my impression is that at some period of time somewhere near 25 per cent., including emigration, the enlistments, and going to sea, would be not far from the truth, but it is only my impression; your returns bring it to 21. We can only assume that number as refers to convicts discharged on licence. If you took the whole body you would have no reliable record of even 12 per cent. having emigrated; the case of the remainder would be similar to that of England, *i.e.*, no accurate information.

3502. This per-centage, be it 21 or 25 per cent., does not, in your opinion, include those persons who voluntarily pass from Ireland into England or Scotland?—No, not in my opinion, but it is merely a speculative opinion. I think that the number would reach 25 per cent., and my firm desire would be that it should do so.

3503. Whether it be 21 or 25 per cent., it does not, in your opinion, include those persons who go from Ireland to England in pursuit of labour?—I think not, but I cannot possibly tell.

3504. (*Chairman.*) I understood you to say that the lectures which are given to the convicts are intended to encourage them to emigrate partly?—To this extent: the object is to put before them the advantages that are presented by many colonies in the way of labour when they might be wanting it in their own country; and so far it tends, no doubt, to encourage emigration.

3505. They are advised and encouraged as much as possible to emigrate?—I am not stating that the Government encourages them to emigrate. The convicts are informed of the advantages presented in different colonies by the rate of wages, &c.

3506. I understand that in the lectures given by Mr. Organ, the advantage of emigrating to a new scene of life was put very strongly before them as having the effect of severing them from their old associations?—That is quite true.

3507. Are they not assisted to emigrate? are not the gratuities applied for the purpose of obtaining passages both by the societies and by Mr. Organ?—I am sorry to say that we have no societies to assist

Sir W. Crofton.
6 March 1863.

them. A man gets no pecuniary assistance beyond his gratuity; but he is told, if he requires it, what the passage will cost him, and any information is given to him that is known to the lecturer.

3508. He is not relieved from the trouble of obtaining a passage for himself, it is not obtained directly for him by any officer of the Government?—No, the men take their own passages. I have known Mr. Organ in many cases to inform them the best way of getting on board a ship.

3509. Do you consider that a man has a much better chance of turning out well if he is entirely removed from his former associates, and starts life in a fresh scene?—I have no doubt whatever of it.

3510. Have you ever known any difficulty arise when these men have emigrated from a fear on the part of the shipowners in consequence of laws which, I believe, are established in the United States against landing persons who have lately come out of a prison?—I have not known any difficulty of that kind to arise; but I must confess that I exceedingly regret to find a document which must be of a speculative and private character appended in the form of a return here, showing that a certain number have emigrated. I think that the less these matters are talked about the better, for there is no doubt that if it is paraded all over the country that so many men emigrate, it will create an alarm which I am sure, after many years trial, has never yet been felt.

3511. I believe there are laws in several of the States of America which make it penal on the part of shipowners to land men who have been convicts?—I am not sure.

3512. At all events, if a suspicion is entertained that such is the character of the men, the shipowners are frequently called upon to give security against their becoming a source of expense in America?—I have heard so; but that refers to the United States alone. As a general rule, I think the majority go to Canada.

3513. If it should become known that men of this class were sent in large numbers to Canada or to the United States, would there not be a great danger of that outlet being closed against them?—I really think, if, as I believe, it will always be the better class who go out, there will be no fault found with their going. I have had much conversation with colonists who have come to Ireland; they have looked over the prisons, and I never found them making objections to receiving men of this class, but I altogether demur to the policy of requiring such a return as the one which has been sent.

3514. (*The O'Conor Don.*) With respect to those convicts who pass from Ireland to England and Scotland under tickets of leave, how would they appear in these returns that are furnished to us, would they appear as "gone abroad" having tickets of leave?—I am not sure.

3515. They would appear on the return as "gone abroad"?—I cannot say.

3516. Can you inform the Commission under what head they would appear?—I cannot. I can only assume, as I see a certain number given under the constabulary and under Mr. Organ's supervision, that if they appeared at all they would be found under "gone abroad."

3517. The total number under the constabulary, and under Mr. Organ's supervision, and "gone abroad," would make up the whole of those under licence?—I suppose so.

3518. If not under the constabulary, or under Mr. Organ's supervision, you would conclude that they would appear in the return as 'gone abroad"?—Yes.

3519. (*Mr. Henley.*) Is there anything to prevent a man with a ticket of leave in Ireland from going to England or Scotland if he likes?—Nothing; but I endeavoured some years ago to meet that

point, feeling that it might be stated that convicts did come here, and requested that they might be allowed to notify themselves to the police in England when they arrived, as a sort of check; but as there was no system of police supervision with regard to criminals in England, it was not allowed. *Sir W. Crofton.* 6 March 1863.

3520. In point of fact, there is nothing to prevent a man going on board a packet and coming to England?—No legal power to prevent him.

3521. Do the police in Ireland report to you if a man has absented himself from their district and they know nothing of him?—Directly he removes they send in a return.

3522. Is it known how many persons there are so reported by the police to be absent, and who do not turn up in other districts of Ireland?—Yes, because the constabulary, if these men do not arrive at the station to which they are sent, would report them directly to the office.

3523. Suppose a man arrives at the station to which he is sent, and that he walks away from the station, and gets on board a packet, and comes to England, when is the next return made of that man?—The constabulary would report that he was gone, and had left their district; they would state that he was gone to England.

3524. They would not put down that he had gone to England, I presume, unless they knew that he had gone there?—They would know if he told them.

3525. Suppose he told them nothing, but went on board a packet and said nothing to anybody?—Then they would report that he had left them, with other particulars.

3526. How are they to know that, if he is in the middle of Ireland? Suppose he walks away from the place where he is under the supervision of the police, travels to Dublin, and goes on board a packet and comes to England, what would the police in Tipperary report about that man?—If he had absented himself without report he would be put in the "Hue and Cry," and if it was proved afterwards that he was gone to England, there would be information sent at once to the office.

3527. Is there any record kept in the Convict Department in Ireland of the number of persons who so absent themselves without leave, and are not accounted for?—Yes.

3528. Could such a return as that be furnished?—No doubt of it.

3529. Who would be the proper person to give the Commission that information?—The Prison Department.

3530. You have stated, as the general result of this system, that you you think about 10 per cent. of the persons who have passed through the convict prisons return into them?—I stated, reading from the report, that 4,600 were discharged between the 1st of January, 1856, and the 1st January, 1862, a period of six years; and I stated that 10 per cent. of those had returned to the convict prisons within that period of time, and that that number included those who had had their licences revoked for irregularities, which would amount to one-third of the licences altogether that had been revoked. I stated that revoked licences were included in the number to make up the 10 per cent.

3531. Of course those persons, excluding a third of the revoked licences, are other convicted prisoners?—Yes.

3532. Convicted of offences which have brought them under sentences of penal servitude?—Not always; I was alluding, of course, to the Government prisons.

3533. But a person cannot come back into a Government prison

Sir W. Crofton. unless he is convicted and sentenced to penal servitude?—He could do so under his original sentence with his licence revoked.

6 March 1863. 3534. The 10 per cent. does not include those who may have been convicted of minor offences and sent to the county gaols?—By no means.

3535. You referred to a certain class of persons which you thought accounted, to a certain degree, for the number of convictions to penal servitude that had taken place in 1862?—Yes.

3536. Are there any elements, in your opinion, besides those you have named, that would render a comparison of the number of re-convictions as between England and Ireland of little avail?—I have not made any comparison at all with England. Comparison would be impossible. All I wished to do was to explain in the best way I could the sudden increase which had taken place in crime in 1862, over 1861, an increase amounting to 200 and upwards. As you are aware, I quoted the amount of pauperism and destitution in Ireland as a disturbing cause, and that this was confirmed to some considerable extent, by finding a great increase in the number of the sentences to three years penal servitude, which exceeded the sentences to three years in 1861 by 114. Then I mentioned special offences, amounting to 41, I think, which had been committed in a union workhouse in the city of Dublin, in order to explain the increase of 200; but I drew no comparison as to England.

3537. Crime was at its lowest point in Ireland in 1860, was it not?—I am not sure of that, nor do I attribute very much to the exact number of convictions that one sees. The sentences to penal servitude amounted to 331 in 1860, and to 368 in 1861. The year 1859 appears to have been the lowest; there were in that year 322 sentences to penal servitude.

3538. (*Mr. Waddington.*) Those include, I believe, the military convicts?—Yes, they do; those figures include all sentences to penal servitude. I wish to explain with regard to the year 1859, in which there were 322 sentences to penal servitude, a smaller number than in subsequent years were sentenced to penal servitude. There were appliances that came into force in 1859 which brought old offenders thenceforward to notice far more than had ever been the case before; and that would naturally bring a great number of them, who would formerly have evaded the convict prisons, back to these depôts.

3539. What are the appliances to which you refer?—Greater pains were taken to secure their identification, and a system was adopted of bringing to the notice of the judicial officers that these people had been in convict prisons before, and that they were hardened offenders. These arrangements tended to bring them back again.

3540. You are of opinion that, in consequence of the better information communicated to the judges and others in Ireland, more severe sentences were passed for the same class of crimes than had been been passed before?—That is my distinct impression, which, I think, will be borne out throughout the whole of Ireland.

3541. (*Mr. Henley.*) The state of crime in Ireland, taking the last 10 or 12 years, has been very remarkable, has it not?—I should say that it had not been very remarkable in the last 10 or 12 years; in the famine time, of course, it was.

3542. Taking the year 1850, 12 years ago, the number of persons committed for trial in Ireland was 31,000 and odd?—I would rather confine the matter to what I know.

3543. But assuming that number to be correct, and that 31,000 and odd were committed in Ireland in 1850, and 5,000 only in 1860, should

you not call that a remarkable state of affairs in any country?—Certainly.

3544. That progression went on; that is to say, in 1851 24,000 persons were committed, and in 1855 9,000 persons were committed, and was that not a very remarkable state of affairs in any country?—Yes. But, referring to 1851, there was a very great fall between the two periods you have mentioned. There is no doubt that there was a great deal of distress in Ireland existing in 1851, which had not passed over.

3545. Without going into the causes, was it not a very extraordinary state of things to have existed in any country?—Clearly.

3546. Are you at all aware of the relative proportion of the convictions and acquittals in Ireland?—No, I am not.

3547. If you find that the acquittals in Ireland bear a very large proportion to the convictions, must not that be regarded as a great element in considering the number of persons who come back into the convict prisons?—Speaking of the convict prisons, I believe I can state that the acquittals would not be likely to be at all large, because such offenders are thoroughly known.

3548. Taking five years from 1861 inclusive, and going six years back, if 20,000 persons were convicted, and 16,000 acquitted, of the whole number tried, that is a very large proportion of acquittals, is it not?—It appears so to me.

3549. And of course a proportion of that sort, if it bears equally upon the higher class of crimes, would be an element in estimating the number of persons who find their way back into the convict prisons?—That would depend upon whether it would affect the higher class of crimes so much. I do not think that it would.

3550. If it did it would be an element in the consideration?—I should say so; if it were proved to affect the higher class of crimes in the same way, it would be an element in the consideration.

3551. Just in proportion as the number of convictions was small in proportion to the number of persons tried, it would be an element of consideration in estimating the number who come back into the convict prisons?—Yes, if it affected the higher class of crimes, which I do not believe that it does.

3552. As a matter of course if 21 per cent. of those persons go abroad or enlist, and another portion of those persons go to England and to Scotland without being noticed, that also would be an important element as bearing upon the returns of persons in the convict prisons?—Not to the full extent, because men might go to England and to Scotland and come back again to Ireland. I have known that done repeatedly.

3553. But just to the extent that a man was permanently absent it would be an element?—If I knew that a man was residing in England, Ireland being free from him, it would affect the question.

3554. Giving no opinion as to whether a man who goes away comes back again or not, all men who are absent from Ireland would be an element in the consideration of the numbers who are re-convicted?—While they are out of Ireland, certainly.

3555. Whatever that class may amount to altogether, they should be taken into consideration in judging of the proportion of persons who come back into the convict prisons in Ireland?—Certainly, if proved out of Ireland.

3556. I asked you a question on the previous day of your examination as to wages in Ireland. A return has been put into our hands which, I believe, came from the Home Office, and it professes to be a

Sir W. Crofton.
6 March 1863.

report made by the Lecturer of Smithfield Prison to the Directors of Convict Prisons?—It is an extract from it.

3557. I suppose we may regard it as a trustworthy document?—Yes, but I do not think it is the same as mine.

3558. Smithfield prison is in Dublin?—Yes.

3559. I observe that a labourer is stated to be earning 10*s.* a week, in your judgment would that be equal to, or less, or more, than an unskilled labourer earns in London?—This return refers to the county of Dublin as well as to the city.

3560. Take, if you please, the county of Dublin and the county of Middlesex?—Then it would also depend upon the man, whether he was an able-bodied labourer or not, some men might be worth more than others; probably the man referred to was not worth more than 10*s.* a week, and you must not therefore take 10*s.* a week as an indication of the whole.

3561. Take 10*s.* or 12*s.* a week, would not that be a very low rate for labourers as compared with labourers in this country?—I am not aware what the difference would be. All I can say as to the wages of the convicts is this, that it would depend upon whether a man was worth a certain amount; some men might not be worth 9*s.* a week, and another man might be worth 15*s.* or 16*s.* a week.

3562. Can you give the Commission some explanation as to what is meant by the words "a man labouring on his own account"?—I suppose that he has some garden that he has hired.

3563. How does he get wages for himself by that means?—I should suppose that he earns so much a week by his work, but I do not know the particulars of the case. It might arise in this way, that a man might have a garden or a field, and go out and employ himself sometimes in labour besides, and what he makes altogether would be worth that.

3564. But in point of fact they would not be, strictly speaking, wages?—No, it means that he earns that amount of money.

3565. It might even be by picking pockets?—Yes, but in that case he would probably earn a great deal more.

3566. That would be on his own account?—Yes, but if he was picking pockets he would have his licence revoked.

3567. That is, if it was known; when a man is described as "labouring on his own account," without saying what he is doing, it is rather vague, is it not?—I can imagine how it came to be marked in that way, it is an estimate of his means of living.

3568. Is there any great demand in Ireland at the present time for skilled labourers?—I have left Ireland for some time, but I think that there is a demand for skilled labourers.

3569. I mean men who have been trained in your intermediate prison, and who have been well instructed in agricultural work, are they in demand on account of what they have been taught or not?—I must demur to the terms "being in demand," but through the exertions of Mr. Organ, the indefatigable lecturer to the prisoners, there are many people who know what is done with these men, and there is a large number of employers who employ them, but I do not think there is much demand for them. They would take them into their employment, feeling that their labour was valuable, and it would induce them to do so when they think they will have steadiness of conduct as well, and they believe that the ticket of leave as long as it lasts enforces that steadiness.

3570. Can you give any opinion as to whether from the remarkable diminution in the population in Ireland, there has been any great demand for labour in the last few years?—A diminution of the population in

Ireland would naturally present facilities for the employment of discharged convicts. I am satisfied that a diminution of the labouring population in Ireland would give an impetus to labour of this description.

3571. Entertaining that opinion, has there been or not a great increase in the price of labour in Ireland during the last five or six years?—I am aware that there has been an increase in the price of labour.

3572. There having been both an increase in the demand for labour and an increase in the wages of labour, the convict who is discharged from prison in Ireland is placed in a very favourable position to get his livelihood, is he not?—These circumstances would tend to place him in a more favourable position, no doubt.

3573. You have expressed a strong opinion, and I think a very sound one, that the short sentences afford very little hope or chance of the reformation of the prisoners?—There is very little chance of amending them under such circumstances.

3574. To what limit, in your opinion, is it desirable that penal servitude should be confined?—I have constantly set forth in the annual reports that I believed it to be very difficult to amend old offenders who are sentenced to only three and four years penal servitude. I do not say so now, because the results of the three and four year sentences have turned out rather unfavourably, but I will read to the Commissioners a short paragraph from our reports to show that when these offenders were first so sentenced I predicted that such a result must ensue. I am of opinion that no old offender can be acted upon so as to amend him, or to render him innoxious to the community, under a shorter sentence than seven years penal servitude, a course which I recommended when examined before the committee of 1856, as a fit and proper punishment.

3575. You are of opinion that no man ought to be sentenced to less than seven years?—Yes, not less than seven years penal servitude, if he be an old offender who has ever been in a convict prison.

3576. (*Chairman.*) Does not your opinion go a little further than that, namely, that the system of penal servitude in the convict prisons is more suited to offenders who are sentenced to seven years than for shorter periods?—Undoubtedly.

3577. And for shorter sentences it is better, you think, to undergo imprisonment in the county prisons?—I can scarcely go so far as that. I believe that repeated offenders in the county prisons might be sentenced to a short term in the convict prisons, and that it would be an advantage to them and a check upon them, as it would form a sort of chain of communication between the short sentenced men and the convict prison men, which is very desirable. I do not think that identification, or other procedure to entail long sentences, would be so complete until you had got them into the convict prisons. There is only one sentence that I should like to be less than seven years penal servitude. I mean to apply to a man who was constantly in a county prison. I should like one sentence in the convict prisons to be lower than seven years, and such a sentence, according to what I read, was the intention of the Act of Parliament passed in 1857 with reference to three years penal servitude, which sentence was to apply to a criminal who had formerly been in a county prison, with perhaps a sentence of two years, the intention being that he should have a lengthened sentence of three years, and be sent to a convict prison. It would be far better for the convict prisons not to receive criminals with sentences less than seven years penal servitude; but I think that it would keep up the chain of communication with reference to those offenders who are constantly in the county prisons, by letting them come in at an early stage to the convict prisons

Sir W. Crofton.
6 March 1863.

under this one sentence of three years, which was recommended by the committee which sat in 1856. Three years imprisonment in a county prison would not be the same thing as in a convict prison, because, by the aid of photography, and from being put under police supervision for six months, a man would become known, and be registered as belonging to the criminal class, and then you would form a chain of communication and be able to trace him all through his career.

3578. (*Mr. Henley.*) Do not you think that one great effect of penal servitude is that a man is at once taken away from his associates, thereby breaking the link of connexion between him and those with whom he had previously been associated?—Certainly I do.

3579. If that only lasted for a short time, considering the means of communication that is permitted, it would have very little effect, would it not, in breaking off that connection?—Very little.

3580. Would it not therefore be better if a man commits offences, and one or two years imprisonment do not check him, that he should be at once sentenced to at least seven years penal servitude?—I should be very glad to see such a procedure; my reason for suggesting what I did was because I was looking to the impracticability of abolishing the intermediate sentences. I am decidedly of opinion that if twelve months imprisonment did not have a good effect upon a man, he should then be sentenced to seven years penal servitude.

3581. Is it not the fact that very few persons are sentenced to so long a period as two years in prisons other than convict prisons?—A very small number.

3582. Is it not also the fact that prisoners bear a long imprisonment in county prisons where there is no opportunity of getting into the open air with great difficulty?—That depends upon the system pursued in those prisons, which I think is still very different.

3583. The system pursued now is very generally the separate system in England, is it so in Ireland?—Yes; but I am speaking of England also.

3584. I understand your opinion to be that it would be a great advantage if persons who deserve a longer term of imprisonment than is considered proper in a county prison were at once to be sentenced to seven years penal servitude?—Yes, subject to the observation I have before made.

3585. That being mainly founded on the advantage that you consider there is in the knowledge which the police would have of the men who went through a convict prison instead of undergoing a long imprisonment in a county prison?—Yes, and the doubt of being able to get rid of the intermediate sentences between one year's imprisonment and seven years penal servitude.

3586. You have stated that the criminal class look upon the chance of being sent abroad with satisfaction, and consider it as a boon rather than as a punishment?—Yes, I have.

3587. (*Lord Cranworth.*) You have stated that you thought it was necessary to transport convicts to Western Australia as long as the colonists would receive them, which you thought would not be very long, what did you mean by saying it was necessary?—I meant until we obtained a firmer hold of our criminal population at home.

3588. Did you mean that it was necessary with reference to our interests at home?—Yes, that it is at present necessary for the purposes of prison discipline, and until we get a better control over the criminal classes.

3589. But in what way do you consider it necessary, with reference to our present system?—I must explain that I believe that when once

you have your discharged convicts under the supervision of the police, you will hear much more about them, and have many more of them on your hands than may at present appear. I believe that this would be only temporary, because I am sure that crime would decrease as a consequence, but I think that for the first three or four years you would have the prisons overcrowded. *Sir W. Crofton.* 6 March 1863.

3590. Referring to the people at Lusk, is it mere agricultural work that they are employed upon, or is there anything like permanent drainage being carried on?—It is merely agricultural work, drainage included.

3591. Are they cultivating a farm?—Yes, on a common.

3592. Is that a sort of work that will be continued after the common is re-claimed, and the land is brought under cultivation?—Probably not, but there are other commons that would require to be re-claimed, and harbours of refuge, and many works of that kind that they might be employed upon.

3593. They are not separated from the outer world by a wall?—No.

3594. (*Chairman.*) Are those men allowed to talk with free labourers?—There are no free labourers who come in contact with them, they would not be allowed to associate with them in any way.

3595. (*Mr. Waddington.*) You stated that the proportion of licence holders who emigrated was about 21 per cent. upon the whole?—I did not make that calculation.

3596. But that appears in the returns?—Yes.

3597. By far the larger proportion of the emigrants consist of the licence holders, who come from the intermediate prisons?—Yes, if the return is at all to be relied on.

3598. Am I correct in saying that the number of licence holders who have been discharged from the intermediate prisons at Smithfield and Lusk since they were opened has been 930?—I have no doubt that the return is correct.

3599. Those who have emigrated of that number are 397?—Yes. App. No. 10. C. & F.

3600. Those who have relapsed, whose licences have been revoked, or who have been reconvicted before the expiration of their sentence, are 99. That being so, there would appear to be of those who remain in Ireland a very large per-centage of relapses, the number remaining in Ireland being 533, and 99 out of that number would amount very nearly to 19 or 20 per cent. of the licence holders from the intermediate prisons at Smithfield and Lusk as relapses?—Yes.

3601. Of those who have been released on licence from Spike Island and Philipstown, the whole number is 449?*—Yes.

3602. Those who have emigrated out of that number are 42 only, and those who have relapsed are 25 only, therefore the number will be by relapses 25 upon 407; being a far smaller proportion than from the intermediate prisons, will you be good enough, if you please, to explain that?*—Yes; those men who are in Dublin are under very close observation, they have been discharged from Smithfield and Lusk, their wages and employment are known, and their employers, and there is a far more stringent supervision exercised in Dublin than in the country; they live in Dublin amongst their old associates, and are surrounded by many temptations. I think there is some mistake about the 19 or 20 per cent. App. No. 10. D. & F.

3603–4. I am taking the relapses in the case of those who remain in Ireland, and not upon the whole number?—Yes, but that must be received with great qualification; I have before said they are the very

* For correction of figures see Capt. Whitty's 3rd examination, 17 March 1863.

Sir W. Crofton 6 March 1863.

best men who go abroad, and there is, therefore, 40 per cent. of the best people who are eliminated before you make your calculation. Then, again, included in these returns, the relapses are of people whose licences have been revoked, many of them for irregularities, as they are placed under close watching and supervision.

3605. Have you got the numbers who have gone abroad?—Yes.

3606. Four hundred and forty-nine have been discharged on licence, and 42 have gone abroad?—Because there has been a very different account kept, probably, of the two.

3607. Do you think that many of the Spike Island men have gone abroad?—Yes; as to Smithfield and Lusk I think there are 800 or 900 who are not added to that calculation of yours at all.

3608. I am coming to that presently?—I can believe that there would be a very great difference between the men discharged who are living in Dublin, and visited as they are there, and others who are in the country.

3609. You mean, I presume, that the supervision in Dublin would be more strict?—Yes, and that the temptations in Dublin are far greater. My experience of convict tradesmen is that they are far more likely to again become criminals and to relapse into crime than agricultural labourers.

3610. Are not many of those who are discharged from the intermediate prisons sent into the country?—Yes, they are not all put under Mr. Organ.

App. No. 10. C. 3611. Take the first return of the numbers released on licence, 788; placed under supervision of the constabulary, 253; placed under super-

App. No. 10. D. vision of the Lecturer of Smithfield, 233. Then from Spike Island and Philipstown the number placed under the supervision of the Smithfield Lecturer is much smaller. The number released on licence was 431; placed under supervision of the constabulary, 371; placed under supervision of the Lecturer of Smithfield, 20. You consider that the supervision in Dublin which applies to the intermediate convicts is of a much more strict description than the police supervision which applies to the Spike Island convicts?—Yes, the class of persons living in the city of Dublin are exposed to greater temptations.

3612. Are those the principal reasons which you think will account for the great difference I have pointed out?—Yes; I am assuming that the great difference is what you have stated; it the circumstances stated would, in my mind, create a very great difference.

3613. The whole of the relapses stated in the return are at Spike Island and Philipstown, 25 upon 407. I will now call your attention to a return for the year 1862. Are you aware that in that year, of the

App. No. 10. F. 142 persons released on licence from the intermediate prisons no fewer than 95 went abroad; Smithfield and Lusk, 142 released on licence; placed under supervision of the constabulary, 37; placed under supervision of the Lecturer of Smithfield, 10; "gone abroad," &c., 95; and the number who have subsequently had their licences revoked, or been re-convicted to penal servitude, or transportation, before expiration of sentence, 10?—Yes.

3614. That would make the relapses within the year, 10 upon 47, and is not that a very great increase in the proportion of relapses?—I daresay it would be, because these are cases of the short sentences of which I have very little hope, and I am only surprised that it is not larger. Those men were released during the year 1862, and it appears that in 1858 and 1859 four-fifths of the convicts were sentenced to three and four years penal servitude under the Act of 1857.

3615. Of those who were released?—Yes, and of whom no convict

system could have any hope. I am not at all surprised to find many relapses. *Sir W. Crofton.*

6 March 1863.

3616. I understand you to say that your system, even with the supervision you have described, is perfectly useless as to those convicts ?—I do not say that, but I am sure that it is not fit to deal satisfactorily with convicts who receive short sentences.

3617. (*Sir J. Pakington.*) Your opinion, I understand, to be entirely founded on the shortness of the term ?—Yes, distinctly.

3618. (*Mr. Waddington.*) There were 10 relapses out of 47 within a year ?—Yes, if the return is correct.

3619. From Spike Island and Philipstown there were 18 released on licence, eight placed under the supervision of the constabulary, eight under the Lecturer of Smithfield, and two gone abroad, and two relapsed out of 16 ; I take the relapses upon those who remained in Ireland in both cases ?—But that is eliminating all the best men from the total number.

3620. The result of this is that of the whole number discharged on licence in 1862 nearly two-thirds went abroad from the intermediate prisons—95 out of 147—and of the remainder more than 20 per cent. relapsed before the expiration of that year ; is not that the result of the system in 1862 ?—I think you must examine Captain Whitty upon this return, for I do not know how it is framed, and I believe it to require explanation. Out of 12, I think it would be found that six out of the 12 would be for irregularities.

3621. Still the fact is, that of those who remain more than 20 per cent. of the intermediate prison men have relapsed for some reason or other ?—After eliminating the best of them ; but the return requires explanation.*

3622. (*Mr. Russell Gurney.*) The better men go to the intermediate prisons, do they not ?—Yes, if they prove themselves so by the system.

3623. (*Mr. Waddington.*) The Lusk men are generally kept back for misconduct ?—They are delayed in coming to Lusk by misconduct, but it is not always a man who misconducts himself who would be criminal —a soldier, for example. He might be very violent and troublesome, and never get his marks. But it is not those who do not come into an intermediate prison who are the worst criminals, for a very great many of them who have committed agrarian offences are not habitual offenders, or give any trouble afterwards. Invalids do not come into the intermediate prisons, or eccentric persons.

3624. A great many who are not habitual criminals are discharged from Spike Island ?—Yes.

3625. (*Lord Naas.*) In fact, the prisoners who come into the intermediate prisons do not represent any particular class of prisoners ?—No.

3626. (*Mr. Waddington.*) They represent the prisoners who are treated under that peculiar discipline ?—Yes, by having attained their marks.

3627. One of the objects of that system being to prepare them for emigration and the other being to show them to the public in what you have called a more natural state ?—Yes, those are two of the objects.

3628. With regard to the supervision of the police, it appears that in 1862 there were only 37 persons placed under the supervision of the police, and in the previous year I find that there was a smaller number. What should you say was about the whole number of licence holders in Ireland now under the supervision of the police ?—I cannot tell you, for that would depend upon the expiration of the sentences ; but they App. No. 10. F.

* For correction of figures, see Capt. Whitty's 3rd examination, 17 March 1863. 4872.

Sir W. Crofton. 6 March 1863.

must be a small number; the three and four year sentences expire very quickly. I think that the convicts would be left on the average only about three or four months under supervision at all, and that is why I object to these sentences.

3629. Those who were put under the supervision of the police in 1861 would probably now be at large after the expiration of their sentences?—Yes, the greater number.

3630. Perhaps there are not more than 100 licence holders in Ireland?—I cannot tell; that would depend upon the expiration of the sentences; with regard to the 10 year sentences there are several still remaining.

3631. Do you think that there are as many as 150 at the present time under the supervision of the police?—I have no data to enable me to state, because, as I have already said, it would depend upon the expiration of the sentences.

3632. But do you think that the number would be much more than that?—I cannot inform you; there are 140 reported upon in Dublin, I believe, at this moment.

3633. Is there not a very large number of re-convicted licence holders and other convicts in the convict prisons?—I can only speak for the six years which is published in the last report; there were only 10 per cent. who had returned in that period.

3634. That is of persons discharged, but I am speaking of the present inmates of the prisons, what proportion of those in the convict prisons are persons who had been previously sentenced to penal servitude or transportation?—I believe there is a return to that effect, but it would be very fallacious to take a number at any time in a prison in the way of a proportionate per-centage to the whole.

3635. Be good enough to give me the fact first, and explain the fallacy afterwards. Will you look at the "return of the number of con- "victs now in the Irish convict prisons who at any former period have "been subjected to a sentence of transportation or penal servitude, "stating whether discharged from the intermediate prisons and female "refuges, or from the ordinary prisons." The return is signed by Captain Whitty, and therefore, I suppose, is to be relied upon. The date of it is this present year. It appears that "the total number of convicts "in the convict prisons at the date of this return was, males 1079, "females 433," and the number of old convicts amongst the males is 277 out of 1079, pretty nearly 30 per cent., and of the 433 females the number of those formerly convicted is 145?—I see those numbers, but I object altogether to any conclusion being drawn from them as to per-centages, because, under a bad system of convict discipline, your proportionate per-centages might be much less of re-convicted people; for, if your prisons were full instead of empty, as they are now, and if there were no well-organized system to bring back the men who relapse, you would have a smaller number of proportionate re-convictions, and your proportion would be more favourable by far than under a system that conduced to bring all these old offenders back to prison when they relapse.

App. No. 10. P.

3636. You say that it is owing to the superior mode adopted for bringing back old offenders?—Yes; I say that the system conduces to fill the convict prisons, and thus protects the public; and if the prisons are empty instead of full, the proportion would vary on that account also.

3637. Still the fact remains, that there is that proportion of old offenders shown in the return?—No question, that number, but a proportion would be a fallacy.

3638. Have you seen the "return of the number of persons sentenced

" to penal servitude in Ireland in each year, from 1st July 1857 to " 31st December 1862, inclusive, who had been previously sentenced " either to penal servitude or transportation, showing the sentences " passed upon the re-conviction"? (*the same being handed to the witness.*)—No, not until now.

3639. I see that out of 577 persons sentenced to penal servitude in 1862, 138 were old convicts?—Yes.

3640. That does not appear to be so large a proportion as in 1861, that is, 138 upon 577; in 1861 they were 109 upon 350?—That illustrates the fallacy of the proportion of which I spoke, for in 1862 there were a greater number of re-convictions, as our sentences to three and four years comparatively broke down.

3641. Would not the smaller proportion in 1862 be somewhat accounted for by what you have already stated, that there were 41 paupers who, I suppose, had not been previously convicted, and sheep-stealers, and agrarian offenders. Would not they in some way account for the proportion of the re-convicted being smaller in 1862 than in 1861?—Yes; but that exhibits the error of such proportions at once, because crime had increased a little in 1862, through a failure of the three and four year sentences, predicted by the directors when passed.

3642. I perceive that a large number of those re-convicted men were sentenced to short sentences in the last year. Of 138, 23 were sentenced to three years, only 22 have been sentenced to four years, and no less than 38 were sentenced to five years?—The five years' sentence has been almost a new sentence this year. I observe that in Ireland it has been used very freely. Instead of sentencing to seven years, as I could have wished, they have gone as far as sentencing to five years, to enable some check to be held over the convicts. These sentences on re-conviction have risen from 8, which was the total of the five-year sentences in 1861, to 38 in 1862, and that is an indication, I think, of a more healthy action than the three and four year sentences.

3643. Are you aware that amongst those 577 sentenced to penal servitude there was a very large increase in the higher sentences?—Yes, and I am very glad to see it.

3644. Are you aware that the long sentences of 10 years and upwards in 1862 were 77, as against 23 in the year 1861?—Yes, and I observe that there was an increase in the five-year sentences. There are 61 sentences more to five years than there were in the preceding year to five years.

3645. Does not the rise in the sentences from 10 years and upwards show an enormous increase?—There has been a great fall in the seven-year sentences. The seven-year sentences have been supplanted by 10 years. It has been the object of all connected with the Irish convict system to endeavour to get lengthened sentences passed upon those convicts who have come back. I brought under the notice of the Government three years ago the absolute necessity for lengthening the sentences, if any thing was to be done with the convicts. I will just read an extract upon that point:—" It is the conviction of all conversant with the 'habitual " offender,' that a sentence of three, four, or five years' penal servitude, " with proportionate periods remitted, is inadequate to either deter or " ameliorate such a class of criminals. With a view to improvement " there must be some attempt made by legislation to classify offenders " and punishments, so that we may not find the 'habitual criminal,' " after perhaps some years in the convict prisons for a burglary, sen- " tenced to a county prison for a lesser offence to a short imprisonment. " 'Habitual criminals' must be recognized as a class by the law as they " are by the police and those conversant with their practices. The

Sir W. Crofton. 6 March 1863.

" principle is already conceded, for judicial authorities passing sentences " generally very properly add to their length on former convictions " being proved; but the practice requires to be systematized, and " made to be universal. It is obvious that conditional pardons and " registration may be made the means of so systematizing this practice " as to insure the very general incarceration of 'habitual offenders' " in the only place suitable for them, 'the convict prisons,' with sen- " tences of sufficient length to insure their being properly dealt with." Then, in the sixth report we say:—" We have to record then, that " punishments have become shorter instead of longer, as recommended by " the committee of 1856; and consider that, with a view to the reduction " of crime, and a proper treatment of the criminal, the subject requires " the most earnest attention." Then, in the seventh report we say:— " There is one important point to which we must again draw attention, " and although we notice that during the past year several convicts, " formerly sentenced to penal servitude or transportation, have re- " ceived longer sentences on proof of former convictions adduced " against them, we regret to find that the practice is not a very general " one. We observe many instances of males and females, formerly in " the convict establishment under seven and 10 years' transportation, " or four years' penal servitude, again returned to them with sentences " of three and four years' penal servitude, under the Act of 1857, " which still further reduces the period of detention. These short " terms of sentence are quite inadequate to deal systematically with " 'habitual offenders,' who make a vocation of crime, and who have " already neglected the opportunities of amendment afforded to them " by what we hope and believe to be a good system of convict disci- " pline. If the sentences given to this class of persons were not less than " seven years' penal servitude, which, under the Act of 1857, may be " reduced by good conduct to five years, and three months' detention, " we should expect to be better able to amend the criminal, and reduce " the criminal class."

3646. I suppose one of the reasons why you object to short sentences is that the supervision of the police lasts for so short a time?—Yes, and the convicts, feeling that it will only affect them for a short time, become indifferent to it.

3647. Has it occurred to you, even in the case of the longer sentences, that to make supervision completely effectual, it ought to be continued after the expiration of the sentence as it is in France?—I should like it very much.

3648. (*Chairman.*) But would not that object be attained by a longer sentence and a longer remission?—Yes, far better; the principle is laid down under the regulations of the Act of 1857.

3649. (*Mr. Waddington.*) You are aware that there has been a vast number of these short sentences in England?—Yes.

3650. Are you aware that out of 3,154 sentences passed in 1862 there were no fewer than 1,913 not exceeding four years, and 1,482 out of 2,450 in the former year?—Yes, and you have had very great difficulties, I have no doubt, to struggle with.

3651. You have been asked once or twice as to a return, in which it is stated that out of the number of 4,643 persons discharged from the convict prisons, since they have been under your superintendence, only 10 per cent. had returned?—Yes. App. No. 10. P.

3652. Were those the persons who were discharged shortly after you became principal director of the prisons, and who had been convicted of agrarian outrages?—By no means. At the end of 1856, I think there were but few of that class left; and that was

why I took that period, instead of 1854 when there was no system going on in order to bring relapsed convicts back, and during which the per-centage would be obviously reduced much lower.

3653. Was there not a considerable number of men sentenced to long periods of transportation in the years 1849 and 1850, I mean for sheep-stealing and cases occurring during the famine?—I can assure you that not many of them were left in 1856, and in the next place the men who committed offences on account of destitution did not receive very long sentences. I took that period because I felt that we were dealing with the ordinary class of criminals, and our appliances were in some way formed and settled so that we might know something about them.

3654. There was no police supervision in the first year?—No, the Dublin supervision began in 1856, the police supervision in the country commenced in January 1857.

3655. A good many were discharged in 1856 without any supervision?—No, the Dublin supervision still went on.

3656. I think not—just look at that return (*the same being handed to the witness*), it appears that in 1856 298 were discharged on licence, and 231 placed under supervision of the constabulary, and there is a note to this effect: "Constabulary supervision was not established "until January 1st 1857, consequently, the numbers stated for the "year 1856 were not under that supervision, but they were located "throughout the country, and communications partially carried on "with them by the superintendent of Smithfield prison, who re-"ceived letters monthly from the majority"?—That supervision was conducted with all the men in Dublin as strictly as it is now, but I found that they began to leave Dublin when we had not police supervision in the country, and therefore it was that the constabulary supervision sprung up in January 1857, and was made more complete; but the period between 1856 and 1857 should, as has been stated in our reports, be received with qualification, as the system was not so perfect as it became afterwards. App. No. 10. E. App. No. 10. C.

3657. There were 58 placed under the supervision of Mr. Organ in Dublin?—A great many more than that I think.

3658. (*Mr. Russell Gurney.*) I understand that you have no means of informing the Commission what proportion of the discharged convicts in Ireland come to England?—I have no doubt that you could obtain some information with regard to this point. Mr. Organ would tell you of a certain number, but it would hardly be reliable I think.

3659. Whatever that proportion may be, they would be the worst convicts who came here, and considering that there is supervision in Ireland and none here, they would, of course, escape from it in this country?—There are instances of the kind, I have no doubt; but there are many Englishmen among them—soldiers; and there are other cases of Englishmen who would come over here.

3660. Besides those, could not an Irishman who wished to pursue a course of crime pursue it much better in this country than in Ireland?—No question about it, until you place convicts under the supervision of the police, a course I have advocated for years.

3661. But such a man would not be known?—If there was one uniform system you would soon know him, because he would be reported from one district to another, in the same way as convicts are in Ireland.

3662. When he got on board a steamer, and came to this country, how would that be known?—He might be reported to the Liverpool or other police.

3663. It would be those who were disposed to pursue a course of

Sir W. Crofton.
6 March 1836.

crime who would naturally come away to escape the supervision of the police?—One would naturally think so.

3664. (*Lord Naas.*) What was the date of your resignation?—I left in May 1862, but I wish to state before I leave this room that I believe the Irish convict system depends mainly upon all the details which have been spoken of being properly carried out. I believe that a great evil was created in crippling its working power, and therefore bad results must not be attributed either to the system, or its able director Captain Whitty.

3665. Do you consider the present directing power in Ireland not sufficient to carry out the system?—Not according to the way in which I should wish to see it carried out.

3666. I believe a considerable change was made in the constitution, of the convict board when you left Ireland?—Yes, the convict board was broken up in May 1861, and I can only repeat that if these details are not properly regarded and carried out, you will have very different results. The directors made an official protest to this effect at the time.

3667. When you were chairman the board consisted of three persons, of yourself and two others?—Yes; Captain Whitty and Mr. Lentaigne, to whom great improvements in the female prison department are due. He is now inspector-general of county prisons.

3668. Was the time of the three gentlemen who then constituted the board fully employed?—Yes, and a great deal more than our time. When the board was broken up a great deal of my time, far beyond the official hours, was required to be given to official duties.

3669. You found that to carry on the system as it ought to be, your own time, and the time of your two colleagues, was not only completely occupied, but you were obliged to work constantly far into the night?—No doubt of it, and I am sure that my colleagues will bear me out in that statement.

3670. (*Mr. Waddington.*) Do not you consider Mr. Organ peculiarly well qualified for the performance of his duties?—I consider that Mr. Organ is most peculiarly well qualified for the performance of his duties, and that he is of the greatest possible use to the department.

3671. Do you believe that his lectures are given in a manner which have a peculiar effect upon the minds of the convicts?—No question about it, and he is indefatigable in seeking employment for them.

3672. Do not you think that his peculiar abilities have contributed very materially to the success of the system?—There is no doubt of it.

3673. Do you think there would be any probability of replacing him by an equally efficient person, if anything were to call him away?—Other persons might be found eligible.

3674. Is he not a person possessing very peculiar qualifications for his office?—Yes, no question about it.

3675. Owing to the peculiarities of the system, does it not depend very much upon the abilities and zeal of the persons who have to carry it out?—Very much so.

3676. (*Lord Naas.*) Is it not absolutely necessary, in order to carry out your system, that one of the directors should make himself personally acquainted with the facts of every case which is reported upon by the police, or by the supervising officer?—Yes, this was part of my duty, and if not performed some trouble and inefficiency would soon arise; you would not have these people under your control. There was not a case of Mr. Organ's or of the police that was reported that I did not thoroughly investigate.

3677. (*Mr. Russell Gurney.*) You stated that the convict prisoners

looked forward to being sent abroad to a penal colony with satisfaction? —No doubt of it. *Sir W. Crofton.* 6 March 1863.

3678. Do you think that that applies to a convict who wishes to pursue a course of crime?—To all of them that I have ever heard of; they would be very glad of a change, and I think you will find the statement borne out by experience in this country. I put it forward now to prevent the idea gaining ground that we are going to deter serious offenders by sending them to Western Australia.

3679. After they have undergone a considerable portion of their punishment here, do you think that men who look forward to a course of crime again, would like to be sent abroad, or be kept in this country? —I can only say that they are always ready to get abroad. You will find volunteers throughout the whole of the prisons ready to go.

3680. You do not think that they are rather the better sort who wish to turn over a new leaf?—No; all classes are anxious to go if they can go free of cost.

The witness withdrew.

Captain I. S. Whitty examined. *Captain I. S. Whitty.*

3679. (*Lord Naas.*) Will you state to the Commission how long you have been employed in the convict service?—I have been employed in the convict service since the year 1845.

3680. What offices had you filled before that?—In the first place I was for three years organizing as governor the first military prison established at Chatham. I was then transferred to organize, as governor, the Portland convict establishment on its commencement. That was in 1848; then, in 1851, I was appointed a director of convict prisons in London.

3681. Your colleagues were Sir Joshua Jebb and Captain O'Brien? —Yes. In 1856 I went as director to Ireland, in succession to Captain Knight.

3682. Will you shortly explain to the Commission the system that is pursued in both countries with regard to convicts?—Yes.

3683. When you became director of convict prisons, I believe was about the time that the supervision of convicts was first introduced, and the intermediate prisons?—Yes; they had been for a short time introduced then.

3684. Did your experience in the working of the English system lead you to observe the want of supervision, and also of such establishments as the intermediate prisons in Ireland?—Before I left England I had seen the want, as I thought, of a supervision of the discharged convicts; and I had suggested to my colleagues that I thought it would be a very good measure to adopt.

3685. Did you find that the absence of any kind of remission of the sentence interfered very much with the proper management of the men who were sentenced under the Penal Servitude Act of 1853?—Yes; they were very difficult to manage under these circumstances; there was nothing we could do that seemed to be a fair substitute for that reward which had previously kept the convicts in very good order. In Ireland I found the intermediate prisons answered this purpose.

3686. Were the difficulties very much increased by the absence of any power of remitting the sentence?—Yes.

3687. Will you shortly describe to the Commission the points in which the Irish system, as practised now, differs from the English system?—I think the points in which the Irish system is mainly

Captain I. S. Whitty.

6 March 1863.

distinguished from the English system are, first, the greater stringency in the first period of the sentence; that is, in the stage of separate confinement, in which the prisoners in Ireland receive no meat diet for the first four months, and have no occupation during the first three months but the distasteful labour of oakum picking; they receive no gratuity during the period of separate confinement, and that generally extends to eight or nine months. The second distinction is, a more minute plan of classification on the public works as the second stage. It consists in the use of a greater number of successive classes through which the prisoners have to climb and can thus be more effectually sifted in their progress, for the purpose of dealing with them individually. Thirdly, there is a lower scale of gratuity in the earlier stages in the Irish prisons, the higher rates being reserved for the later and superior classes, which makes this an important object of attainment to the prisoners, inducing in them the habit of looking forward, and of exerting and controlling themselves for a future benefit. Fourthly, the intermediate prisons, which are a special means of mental improvement, and of preparing the prisoner for the transition from confinement to liberty, and also of testing this preparation. Fifthly, there is a more rigid enforcement of the conditions on which the prisoners are set at large on licence; there is a regular supervision, during the period of such licences, either by the police or by an officer specially employed for the purpose. Sixthly and lastly, there is a process of tracing back, and placing before the judges, &c. the cases of habitual offenders. These appear to me to be the principal points on which the two systems differ.

3688. Do you think that the more minute classification of the prisoners in the public works stage is absolutely necessary for their proper treatment?—I think it is very effectual indeed in keeping them properly in hand.

3689. Do you think there is any difficulty in separating those classes sufficiently for proper discipline without interfering with their labour?—I think not. I think it rather helps the labour in prisons for public works, as at Spike Island, which is an example of that; there are men there who are in the advanced or the highest class, and we are able to send them on boating expeditions to Haulbowling and any places out of the island to work, where we should be rather chary of sending prisoners if mixed up together without reference to their characters.

3690. Do you find that the construction of the different buildings at Spike Island interferes with their classification?—It is a barrack, not a prison; we have been obliged to adapt a barrack to prison purposes.

3692. With the moderate amount of accommodation that you had, you have found it possible to classify them?—We did it very well there.

3693. So that it does not necessitate the erection of costly buildings and large prisons?—I am very much against large prisons that are not subdivided, they are very inconvenient for discipline.

3694. Without going to any very great expense in buildings, this classification, which you set so much value upon, can be carried out?—Yes, at Spike we partially adopted the plan of putting up wire cells which enabled us to change the ordinary barrack rooms into prisons, with almost quite sufficient separation for night purposes.

3695. (*Chairman.*) How are they divided?—There are corrugated iron partitions forming cells four feet in width, the same as at Portland, and the fronts and tops are of iron wire, which does not interfere with the ventilation, and these cells can be put up anywhere; those are

only barrack rooms in which they are put up, but they are removeable, and can be put up in any rooms.

Captain I. S. Whitty.

6 March 1863.

3695. (*Lord Naas.*) Will you state to the Commission the scale of gratuities which are given to the convicts, throughout their different stages in England and Ireland ?—I am afraid I cannot correctly give you the English gratuities : as to the Irish gratuities, I have prepared a memorandum, but one distinction between the English and the Irish classification I should mention. In England, if a man's conduct is good in separate confinement, on being removed to the public works, he goes immediately into the first class ; we require our men who go from separate confinement to commence in the third class, but we make this distinction, if they come with a good character they remain for only two months in that third class, whereas, if they come with a bad character they may be nine months in that class ; but they all begin in the third class. I will now state what is the largest amount of gratuity which is attainable by a convict under a sentence of four years penal servitude. I will take a man of the best character ; he would be two months in the third class on public works ; and eight weeks at a penny per week would amount to 8*d.* Then he would be for six months in the second class, or 26 weeks, and for those weeks he would get 2*d.* a week, making 4*s.* 4*d.* Then he would be in the first class 12 months, which are divided into two parts ; for the first six months, or 26 weeks, he would receive 3*d.* a week, and during the second six months in the first class, or 26 weeks, he would receive 4*d.* a week ; the first six months at 3*d.* yielding 6*s.* 6*d.*, and the second six months at 4*d.* yielding 8*s.* 8*d.*, and the two together for the year making 15*s.* 2*d.* Then this man would get into the advanced class, and a four years man without any prison offences, his conduct being satisfactory, would be in that class 26 weeks ; he would here receive 9*d.* a week, which in 26 weeks would amount to 19*s.* 6*d.* By that time he ought to have reached the intermediate prison. A four years' man is supposed to remain therein for five months before his discharge, these five months, or about 21 weeks at 2*s.* 6*d.* a week in the intermediate prison, giving 2*l.* 12*s.* 6*d.*; the total for a four years' man having a claim to a licence would be 4*l.* 12*s.* 2*d.*

App. No. 10. AA.

3696. Can you state to the Commission what the average earnings are, and what the men generally do earn ?—Of course it varies according to their sentences, and it is not very easy to strike an average. I should mention here that we have frequent cases in which these gratuities would not amount to even half what they might earn, because a man forfeits a portion by misconduct.

3697. Is that a correct return of the English maximum gratuities ? (*the same being handed to the witness*).—I think those are the rates for a four years' man. I think that ours are, on the average, half the amount of the English average.

App. No. 10. AA.

3698. The total amount of gratuities that a man can receive in Ireland with a four years' sentence is about half the amount that he could receive under the same sentence in England, supposing that in both cases he earns the maximum ?—Yes.

3699. Is it a rare case that a four years' man earns the whole amount of 4*l.* 12*s.* 2*d.* ?—It is not a rare case, because it will be found, by looking at the forfeitures in the returns, that perhaps one man in four or one man in five would gain the full amount.

3700. Then there is this difference between the English and the Irish systems, that the gratuities in the latter stage are far greater in proportion under the Irish system than under the English ?—Yes,

Captain I. S. Whitty.

6 March 1863.

the higher grades of gratuities are all kept to the later stages of the Irish sentences if men get into the intermediate prisons.

3701. I believe there is no gratuity in England so high as you give in the intermediate prisons?—I think not; it is 2*s.* 6*d.* on the farm work at Lusk.

3702. Have you found that the men employed at Lusk generally earn the greater portion of their gratuities?—Yes, they work very well indeed; we often find men in the harvest time who volunteer to work extra hours in order to get in the crops.

3703. They earn the greater portion of their gratuities then in the later stages?—The men at Spike Island would, for they are the same men who are passed on; they do not get the same gratuities, for we keep them to the very last as an encouragement.

3704. Will you state to the Commission the diet that is given in all the Irish prisons?—I have an account here of the dietary for one convict at the Mountjoy male prison. On reception, for four months he gets no meat; he gets in a week 3½ lbs. of oatmeal, 10½ lbs. of bread, 12½ pints of milk, 2 ounces of rice, and 4 ounces of vegetables; they also get soup which is made of ox heads, but they get no actual meat given to them at all.

3705. (*Chairman.*) Do they have no potatoes?—They get no potatoes.

3706. (*Lord Naas.*) Will you state the number of pounds of solid food that the allowance consists of?—I suppose the solid food in this case is only the oatmeal and the bread, and they would be together 14 lbs., 3½ lbs. of oatmeal and 10½ lbs. of bread in a week.

3707. (*Mr. Waddington.*) Is the oatmeal made into porridge?—Yes.

3708. (*Lord Naas.*) How much meat in the soup is allowed to each prisoner?—It appears to be one-twentieth of a pound for each individual.

3709. In the next stage at Mountjoy what is the diet?—The ordinary diet for the second four months in separation is oatmeal 3½ lbs., bread 10 lbs., milk 12½ pints, beef 1½ lbs. (weighed before cooking), rice 2 ounces, and vegetables 4 ounces, that is merely for the soup.

3710. How is the meat cooked?—It is boiled and made into soup; they get the meat only on two days in the week, Thursdays and Sundays, and that is at the rate of three-quarters of a pound each day, two days in the week.

3711. (*Mr. Walpole.*) What amount of solid food are they allowed in Mountjoy prison in the second four months?—The same as in the first, with the addition of 1½ lb. of beef.

3712. (*Lord Naas.*) How long has this dietary been in force?—It has been in force since 1860; it began experimentally; for some time it was tried for one month, and then the medical officer approved of its being tried for two months, and then for three months, and now it is the practice for four months.

3713. Was the diet before that time higher?—Yes, it included a meat diet from the beginning.

3714. Were any ill effects produced by that diet?—None whatever.

3715. (*Chairman.*) What description of vegetables do you give the prisoners?—They have generally some leeks and things of that kind, and parsley, grown in the prison gardens, but nothing else.

3716. (*Lord Naas.*) Do they have no potatoes?—No.

3717. Are there no potatoes in the Mountjoy dietary at all?—Not for the prisoners in separation.

3718. In the case of the small number of prisoners who are confined beyond eight months at Mountjoy, is any alteration made in their

diet ?—Yes, they get 12½ ounces of oatmeal, 12½ ounces of rice, 11 pints of milk, and they also get coffee for breakfast, and some molasses for sweetening it, 1¼ lbs. of bread, 2 lbs. of beef (weighed before cooking), 4 ounces of vegetables, and 8 ounces of potatoes, that is after the eight months, but those men are put into association, and they work out of doors until they are removed ; it is a small number only.

3719. Is there not a penal class at Mountjoy ?—At present we have none there, but we have at Spike Island.

3720. There is no other diet given at Mountjoy, except to prisoners under prison discipline, who have bread and water ?—No. I will now give the dietary at Spike Island. The ordinary diet at Spike Island is 24½ ounces of oatmeal, 24½ ounces of rice, 12¼ pints of milk, 13 lbs. of bread, 2 lbs. of beef (weighed before cooking), and 2 ounces of vegetables.

3721. How often do they get meat in the week ?—Four times, Tuesdays, Thursdays, Saturdays, and Sundays, half a pound each day. On the other three days they only get stirabout, bread, and milk, on Mondays, Wednesdays, and Fridays.

3722. Is that diet continued during the whole period of their detention at Spike Island ?—Yes.

3723. What is the dietary of the penal class at Spike Island ?—They get no meat at all. We have two classes there, one called the penal class, and the probation labour class. These last are men who are exceedingly idle, and do nothing but pick oakum. They have a diet without any meat in it at all.

3724. Sir Walter Crofton called them the idlers ?—Yes.

3725. (*Mr. Walpole.*) Do they seem to mind their deprivation ?—They mind it so much that at present out of 700 men we have only four in that class.

3726. Do you find that a reduction in the diet is very effectual in keeping up the discipline of the prison ?—Very effectual indeed.

3727. (*Lord Naas.*) The diet in the idlers' class is not so low as in the penal class ?—They are both nearly the same.

3728. (*Sir J. Pakington.*) What did you say was the substitute for meat ?—For dinner a pint of milk and a pound of bread.

3729. (*Lord Naas.*) How long has the diet at Spike Island been in force ?—That diet has been in force for five or six years.

3730. (*Mr. Waddington*). Is that the same as for the penal class ?—Yes, but we have very few of them in that either.

3731. (*Lord Naas.*) Are they subjected to any other punishment besides a reduction of diet ; do they work in chains ?—Yes, they are kept separate altogether from the other prisoners. It is only those who have been guilty of repeated acts of violence that we put into that class.

3732. Do you think that the diet at Spike Island is sufficient for the labour that the men perform, to keep them in health and strength ?—I consider it quite sufficient. The medical officer never suggests any addition to be made to it. I believe that we have at this time eight in the penal class, four in the probation class, 96 in the third class, and 186 in the second class, 213 in the first class, 115 in advanced class, and 88 in a special class preparing for intermediate prisons.

3733. Have you ever made any calculation as to the proportion that the diet at Spike Island bears to the diet which is given in the poorhouses in Ireland ?—No, I have not, because the labour that is required of the men seems to be of such a different description.

3734. Has it ever been proposed to reduce the diet in Spike Island ?—Not that I am aware of.

3735. Do you think it could be done with safety ?—It is entirely a

Captain I. S. Whitty.

6 March 1863.

medical question. I believe that the medical officer, if he saw any necessity for reducing it, would certify to that effect.

3736. Do the men generally consume the whole of their rations?—Yes.

3737. Is nothing left?—Very little indeed.

3738. Will you state what the dietaries are at Lusk and Smithfield?—At Lusk and Smithfield the dietaries are quite different from the others.

3739. (*Mr. Waddington.*) Are the dietaries at those prisons the same?—They differ from each other, because one is an indoor prison, and the other is an outdoor prison.

3740. (*Sir J. Pakington.*) Are the eight ounces of meat per day at Spike Island for four days in the week weighed before dressing or afterwards?—Before the dressing. The Smithfield dietary is $12\frac{1}{4}$ lbs. of bread, $\frac{7}{8}$ of an ounce of tea, $5\frac{1}{4}$ ounces of sugar, $3\frac{5}{16}$ pints of milk, 34 ounces of beef (weighed before cooking).

3741. (*Lord Naas.*) Do they get beef every day?—No; three times a week.

3742. (*Sir J. Pakington.*) Can they eat 11 ounces of meat in a day?—Yes (weighed before cooking); they have five ounces of oatmeal, five ounces of vegetables, $10\frac{1}{2}$ lbs. of potatoes, $1\frac{1}{16}$ ounce of coffee, a proportion of chicory, and $8\frac{1}{6}$ ounces of molasses. That is the Smithfield dietary, and these quantities have all been fixed by the medical officer.

3743. Now give the dietary for Lusk?—The dietary for Lusk is one-eighth of an ounce of tea, three-quarters of an ounce of sugar, $21\frac{1}{3}$ ounces of oatmeal, $21\frac{1}{3}$ ounces of rice, $11\frac{1}{4}$ lbs. of bread, $7\frac{4}{16}$ pints of milk, $2\frac{1}{4}$ lbs. of beef (weighed before cooking), (they get that divided in three days in the week), 14 lbs. of potatoes, 5 ounces of vegetables, $1\frac{1}{6}$ ounce of coffee, a proportion of chicory, and $9\frac{1}{3}$ ounces of molasses.

3744. (*Lord Naas.*) That is a higher dietary is it not than is given in any prison in England?—I think it is, but I cannot exactly compare the two. We tried to get it lowered, but the medical officer interfered and said that the men were out all day upon an exposed common, and got very wet, and therefore we had to raise it to that.

3745. Did the medical officer say that the health of the men was failing in consequence of their previous diet?—Yes, and he said that the men required this to keep up their strength.

3746. (*Mr. Walpole.*) How many ounces of meat altogether do those items make up in the week?—They make three-quarters of a pound for three days in the week (it is weighed before cooking).

3747. Do you suppose that an Irish labourer who is not in prison is getting that quantity of meat?—No; but meat is much more used in their diet than it used to be.

3748. (*Lord Naas.*) Is the amount of labour performed by a labourer at Lusk far greater than at Spike Island?—It is more continuous, and it is therefore more severe.

3749. Draining is very severe work, is it not, in wet weather, while other agricultural work is not of that nature at all?—All the work is principally that of drainage, and heavy kind of farm work, digging, and so on.

3750. What is the dietary in the female convict prisons, is it the same as in the prisons for males?—No, it is different altogether. The diet in the female convict prisons is $8\frac{7}{8}$ lbs. of bread, $9\frac{3}{8}$ pints of milk, 1 lb. of beef (weighed before cooking), 4 lbs. of potatoes, 4 ounces of pot herbs, 1 lb. of oatmeal, three-quarters of an ounce of coffee, 2 ounces of cocoa, and $4\frac{1}{2}$ ounces of sugar. They have the same all through; we have no public works to remove them to.

3751. Still the mode of treating the female convicts is very different in the different stages ?—Very different ; but the dietary is the same all through, unless in cases of punishment.

3752. Do you think it is a good plan that there should be that sameness of diet for females throughout the whole term of their imprisonment ?—The medical officers do occasionally vary it.

3753. But the quantity, I think, is much the same ?—Yes ; but the medical officer occasionlly recommends different vegetables, or a substitution of vegetables, for a particular portion of the diet, but that is only occasionally when he sees any symptoms of ill-health among the prisoners.

3754. What steps are taken to measure the labour that is performed by the convicts at Spike Island ?—We have very little labour done there that is capable of measurement ; it is principally different kinds of quarrying work, filling up holes, and paring down the surface of the rock to the sea to shape the fortification, and there is very little of that kind of work that is capable of being measured.

3755. As director of the convict service, what do you rely upon as a means of ascertaining the amount of labour performed by the convicts ?—We keep the men steadily at work, and we know what the cost of hired labour would be on the spot ; we think that we are fairly justified in going near to that sum. Some of the work can be measured, and that is done by the Royal Engineers' department. We have no clerk of the works, as they have in English prisons, and we depend upon the Royal Engineers' department and their clerk of the works, under whom our men are employed, for the measurements. They report to us if the work is not satisfactory.

3756. They make reports to you from time to time ?—Yes, they are always supervising the men.

3757. You can compare accurately the amount of work done by the convicts with that which is done by free labourers ?—I think so. I think that the men work very fairly there, quite as well as the free labourers. We keep a little under the amount given to the free labourers.

3758. Owing to the nature of the work, you cannot have that accurate measurement of it that there is at Portland ?—It is quite impossible. Where there is stonecutting we can do it. The work is principally as before described. Latterly we have got the engineers to put down rails, and we now use railway waggons. Before that, as they also did at one time at Portsmouth, they employed several men in hauling one waggon which did not hold more than one horse could draw, but we get on better now with the work.

3759. (*Mr. Waddington.*) The value that you put upon the work is something under the wages of an ordinary labourer ?—Yes.

3760. (*Chairman.*) It is not what you can get the same work executed for by contract ?—We have no means of arriving at that. It is like day labour with us.

3761. As I understand you, the labour has been applied until lately in a disadvantageous and uneconomical manner, and in that case you cannot reckon the value by the day's wages. You ought to compare it with what the work might be executed for by contract ?—Yes, if we could.

3762. (*Mr. Waddington.*) You say that it is under the value of ordinary labour. At how much do you value the labour of each man ?—About 1*s.* 6*d.* a day.

3763. A trifle under the wages of an ordinary labourer for that sort of work ?—Yes ; we find out what labourers are employed for at Spike Island, when a contractor hires them.

Captain I. S. Whitty.

6 March 1863.

3764. (*Lord Naas.*) Would an able-bodied labourer earn 1*s.* 6*d.* a day at Spike Island?—1*s.* 8*d.* a day.

3765. (*Lord Cranworth.*) Do you think that the earnings of a convict labourer are as near to those of a free labourer as 1*s.* 6*d.* is to 1*s.* 8*d.*?—I think so. Our work is partly stonecutting. We average the work all round; our stonecutters can earn 3*s.* 6*d.* a day, and with our experience we think we can charge 1*s.* 6*d.* a day all round.

3766. (*Lord Naas.*) Do you value the wages at Lusk on the same principle—by comparison?—No, but we charge them in the same kind of way, at 1*s.* 6*d.* a day.

3767. Is not 1*s.* 6*d.* a day rather high for a country labourer in the neighbourhood of Lusk?—I think not.

3768. As to the work performed at Smithfield I suppose you can get at the value of that?—That is all tradesmen's work, and that we can get out fairly. I may say that the men at Smithfield do not, as a matter of course, get 2*s.* 6*d*; they only get that as nearly as they can do work towards the value of it; there are not many who come up to the 2*s.* 6*d.* gratuity.

3769. Who tests their work?—We have trades' warders, and it is decided by them, and by the superintendent of the prison, what the value of the work they turn out is. We have certain rates for making boots and shoes and for tailoring, and unless a man does a certain amount of work he does not receive the highest gratuity.

3770. Is the draining done at Lusk by measurement?—No, it is valued by day work; we have no clerk of the works there, and not many prisoners. As long as the men work fairly and regularly (and they all do there) their work is well worth 1*s.* 6*d.* We could of course get all the work done there measured.

3771. There would be no difficulty in ascertaining it, as the cost of draining is well known in the country?—Yes, but we should require an officer especially for the purpose.

3772. Still it is possible to do it?—Quite possible.

3773. Has there been, since you have been director of convict prisons, anything in the shape of a mutiny or an outbreak amongst the Irish convicts?—None at all.

3774. You have not noticed any mutinous spirit among them?—Nothing at all general; we have had once or twice a little symptom of dissatisfaction; there have been violent acts done by individuals or by a few, but no combinations or outbreaks. There have been threats made by the men of one county against the men of another, of a sort of faction fight, but we have always managed to put those things down.

3775. Is there a military force in Spike Island?—Yes, we have been building barracks and casemates by convict labour. It is one of the regular stations for military.

3776. Can you state to the Commission what the number of warders at Spike Island is as compared with Portland?—I should think they were pretty much the same. Where the numbers are low you cannot cut down your officers in proportion; all the superior officers must be still kept; it is the lower ranks that you can diminish in a case of that kind.

3777. When the Philipstown and Newgate prisons were closed, there were a number of officers discharged, were there not?—Yes.

3778. Speaking generally, you think that the number of prison officials in Ireland is about the same as in this country?—I think the proportion is much the same.

3779. I believe their cost is less in Ireland?—Yes, their salaries are lower; they do not receive the same pay as they do in England.

3780. Do you think that the Irish system affords greater facility for collecting information and statistics as to the fate of prisoners who have been under your charge?—Yes, the supervision gives us a much better hold of the men, and a much better means of following them after discharge. When they go away they are put under the supervision of the police, and that is the check we have upon them, but that introduces them to the knowledge of the police, and it makes the men more guarded in their conduct than they otherwise would be.

3781. Is it possible, in your opinion, to manage a large number of prisoners who are on tickets of leave in that way in a town larger than Dublin?—We have a considerable number in Dublin under the supervision of Mr. Organ—between 140 and 150.

3782. (*Mr. Waddington.*) 140 whose licences have not expired?—Not so many as 140 whose licences have not expired, but a great many are visited by Mr. Organ who are not under legal supervision.

3783. But Mr. Organ sees them?—Yes.

3784. (*Lord Naas.*) Could that system be extended to a far larger number than that?—I do not see why it should not be; it must require additional agents, but if one man can take a certain number, by multiplying the agents I do not doubt that it could be done.

3785. If you divided a large town into districts?—I do not see why it should not be done.

3786. Do you think that supervision is best carried on by the officials of the convict service assisted by the police rather than by the police without such assistance?—I think that the police supervision should be resorted to in cases where men appear to be leading irregular or unsatisfactory lives, with no visible means of earning a livelihood. It is very necessary I think then to have the police to resort to, which we do in Dublin. If Mr. Organ reports to me that he cannot understand how a particular man is obtaining his living, then I communicate immediately with the superior officer of the detective police in Dublin and point out this man to him, and he is looked after by the police.

3787. Does Mr. Organ make fortnightly reports to you?—Yes; he reports regularly upon every man, all through the city and county of Dublin.

3788. (*Lord Cranworth.*) Does he report upon every ticket-of-leave man?—Yes: and a great many who are not on tickets of leave, but who still remain under his supervision.

3789. (*Lord Naas.*) You are personally cognizant, as head of the board, of the particulars of every case?—Of every one.

3790. Do you find that you know as much about the men who are located in the rural districts, as you do about those who are in Dublin?—No; those who are in the rural districts are handed over to the police. A notification is given to the police, and they know where a man is going to reside; but we hear nothing of that man unless he commits himself; every month he has to report himself to the police. If he infringes the conditions of his licence he is reported to the inspector of the constabulary, and then we have his licence revoked.

3791. In Dublin you know everything that a man is doing; but you only know of him in the country if he is doing badly?—Yes.

3792. If he neglects to appear at the constabulary barracks is he reported?—Yes, because that constitutes an offence; they would report him in a very few days afterwards, and the moment we hear of such cases we take measures to trace them, and generally in some way or other find the men.

3793. (*Mr. Waddington.*) Unless they have left Ireland?—If they

Captain I. S. Whitty.

6 March 1863.

leave Ireland it is reported by the constabulary, and if they do not report themselves the constabulary report them.

3794. Suppose they did not report themselves to the constabulary, but left Ireland, you could not trace them ?—No, but we should put them into the Hue and Cry. We do not find that there are many instances of their coming over to England.

3795. (*Lord Naas.*) Have you ever recovered a man under those circumstances ?—Yes, we have recovered two or three men, and we got a man and a woman from Scotland.

3796. Going to England without leave would be a breach of the conditions of the licence ?—Yes.

3797. Would they be sent back to prison for that alone ?—Yes.

3798. To what prison would they be sent ?—They would go back to Mountjoy.

3799. Have you found that much difficulty has arisen from the short sentences which have been latterly passed ?—Yes, a great deal, the men do not get sufficient training, which I think they ought to have in the prisons.

3800. Do you consider that the number of short sentences has latterly increased ?—Yes.

3801. Can you account for that in any way ?—I believe that if these men had not been sentenced to penal servitude they might have been sentenced to shorter terms of imprisonment.

3802. So you think that three year sentences to penal servitude have to a certain extent taken the place of longer sentences in the county prisons ?—I think so.

3803. That of itself is an advantage, is it not ?—It is an advantage so far, but I do not consider it enough to give the men proper training, nor is it, in my opinion, sufficiently deterrent.

3804. What does the Convict Board consist of now ?—I am the sole director, and I have to aid me two inspectors ; but it throws an immense deal of work upon me which I cannot transfer to them, because they have not the requisite power ; there is a large business in accounts with the auditors, &c., and my signature is necessary, because the auditors would not recognize the signatures of the inspectors, and the same in many other ways. I have to attend to a great many things, which I think rather too much for one person.

3805. Do you think that the old constitution of the board as it was in Sir Walter Crofton's time was better than it is at present ?—I think it was more efficient. Since I have been in London I receive numbers of office letters every day, and am obliged to do part of my office business in London, as there is no one in Dublin empowered to do it.

3806. Do you think that the service has suffered by the change which has taken place ?—I think it would suffer. I think that we have managed to get on so far, but I by no means think that it will go on efficiently for the future, for the reasons I have stated.

3807. Would you rather go back to the old constitution of the board ? —I think it would be better for the service.

3808. (*Chairman.*) You have had experience, both at Portland and in Ireland, of the two systems of recording the conduct of convicts with a view to their enlargement ?—Yes.

3809. You are perfectly conversant with the details of both systems ? —Yes.

3810. Both systems, I believe, proceed upon the principle of a daily and monthly record of the conduct and industry of the men, with a view to determine the period of their enlargement ?—Yes.

3811. Will you be good enough to explain what the principal points

of difference are between the two modes of record which are adopted in England and in Ireland?—In Ireland, we have something of the mark system, that is to say, a man must attain a certain number of marks in each class before he can be transferred to the next highest. In England that mark system is not adopted. For instance, in the third class, the first that the prisoners enter in Ireland, they must make 18 marks before they get into the second; they can only make nine marks every month, and therefore a man must remain longer than two months if he does not make that number. If his conduct is satisfactory, he in two months makes 18 marks, and then he is promoted into the second class, in which 54 marks must be made. If he does not make nine each month he is retarded until he does.

3812. There are three marks for industry, three for conduct, and three for school?—Yes.

3813. In England a man must have recorded in his favour a certain number of times V. G., and a certain number of times G.?—They are letters.

3814. Are they not pretty nearly equivalent to the marks?—Yes, partly so, but you cannot, I think, so minutely attend to a man's progress as you can under the Irish system of marks.

3815. In both the principle is laid down that a man forfeits a portion of his remission for misconduct, and that he earns it by good conduct?—Certainly, misconduct retards him; there is no question about that, and if he is guilty of no misconduct, he gets on in the stipulated time.

3816. In England, unless G. or V. G. are put down to a man nearly every day, he does not get his month's time, he loses a portion of his remission?—Yes.

3817. That is inflicted upon him in the shape of a forfeiture?—Yes.

3818. In Ireland, if he fails to get three marks in a month it is also a forfeiture?—Yes.

3819. But in neither case is it the fact that a man has to earn, each day, a certain specified number of marks, and then get credit for them?—That is the principle of the thing, but the marks are not daily.

3820. There are only three marks allowed for a whole month in Ireland?—That is for industry.

3821. Then, in taking a man's day's work, suppose he has worked nearly up to what he ought to do, but not quite, there would be no way of making any record of that?—No, they take a man's general work; it is for every week that they mark down the labour in a book, and the officer makes his note of the men accordingly, but he does not record it by daily marks.

3822. In England, I believe, the practice is very general to record the men V. G?—It used to be so.

3823. The great majority are put down so every day?—Yes.

3824. If they get those letters recorded every day they become entitled to a remission?—They make a progress.

3825. They lose no part of the remission which is specified in the regulations of the Secretary of State, except by a positive order from the governor of the prison or a director?—I believe not.

3826. It is a forfeiture?—Yes.

3827. Have you referred in the parliamentary papers* to the description of a modified system of marks that has been adopted in Western Australia?—Yes.

3828. According to that system every man is required to earn,

* Australian Colonies, Convict Discipline and Transportation, 1860, pp. 61 and 88.

Captain I. S. Whitty.

6 March 1863.

according to the length of his sentence, a certain number of marks before he becomes entitled to a ticket of leave?—Yes.

3829. And each day's work is separately valued?—So it appears.

3830. Does it not strike you that that system renders it more practicable to test the actual industry of a convict than the English or the Irish system?—I must say, looking at this altogether, that I do not think it is quite practicable to do it perfectly. I should doubt very much whether it could be carried out.

3831. For what reason? Where is the difficulty?—I see that the men know nothing about it until the end of three months.

3832. I think you are mistaken, for the amount of their earnings is hung up daily in their cells or in their huts, and Colonel Henderson has mentioned that as the great advantage of the system, that the men know the progress they are making towards freedom better than under a system of letters?—I think it would be very difficult to carry out with a large number of convicts, to keep a daily record in that way.

3833. However, it is so done in Western Australia, and in a succession of yearly reports it has been stated that it has been attended with advantage?—Yes, it appears so.

3834. But the system, both in England and in Ireland, is a record which proceeds upon the principle of forfeiting time for misconduct, instead of obtaining credit for good conduct?—It comes to much the same, I think; a man knows the minimum time that he will get in prison, and if he does his best in that time, he will get a full remission up to that time; if he fails to comply with the regulations, either in industry or conduct or school instruction, then he will forfeit so much, and he will be detained so much longer in prison.

3835. It is the practice in Portland, I believe, to tell a man that he has forfeited so many days, and then, in cases of good conduct, to remit a portion of that forfeiture?—That plan has been adopted, I believe, since I left, in the English convict service; I believe it is so now, but it was not so when I was there. With us, if a man is reported "bad" in any of his points in a month, he forfeits that month, and makes no progress.

3836. (*Lord Cranworth.*) Do you mean if he is deficient in any of them?—Yes, if it amounts to "bad;" if not quite that, he forfeits only a part.

3837. (*Chairman.*) In your experience at Portland, did you find any indisposition on the part of the warders to report unfavourably of men from an apprehension of violence from them?—I cannot say that at all generally I did, because an officer would be immediately sent about his business if he so acted; if it occurred it was exceptional.

3838. If it were carried to such an extent as to attract the attention of the superior officers, an officer would no doubt be dismissed. But is it not possible that the warders may fear to expose themselves to violence, and perhaps to considerable danger, by being habitually sharp upon the men?—It is quite possible.

3839. Is there not rather a motive for them to make favourable reports as to the industry of the men under them?—There would of course be, in a man who had not determination enough in him to make them do their duty; he would naturally try to get on as pleasantly as he could with them; but I do not think that the prison officers are influenced by such motives as those in general.

3840. Have you not heard this opinion before expressed?—I have heard of individual cases of officers, and there has been a suspicion that certain officers were afraid of the men, but I think that those are very exceptional cases. I think that the body of officers, both in England

and in Ireland, are very steady and firm in their duty with the prisoners; I can imagine that some men might be timid, and try to make things easy with the prisoners, but I do not think that is generally so.

3841. The officers in England receive gratuities beyond their salaries?—Yes.

3842. And those gratuities depend upon their good management of the gangs under them?—Yes; those gratuities were divided into different classes, varying from *5s.* a week, I think, down to as low as *1s. 6d.*

3843. There are no such gratuities in Ireland?—No.

3844. Do you think that the warders are at all under the impression that if they made repeated unfavourable reports of the gangs under them, that circumstance will tend to diminish their own gratuities?—I scarcely think so; I think that would be seen at Portland, where the work can be measured; I know that used to be done, and that the work done by the different working parties was compared, therefore it would not depend merely upon the officer's own opinion of what had been the conduct of his men, but upon the recorded quantity of work that his party had turned out.

3845. A superior officer would compare the number of men employed with the measured quantity of work done by those men, and if not satisfied with that he would find fault with the warder?—Yes, and he would find out the cause of it and report it.

3846. The system of recording the conduct of the men in Western Australia was originally the one pursued at Portland, and a complaint is made, I see, in the reports from the colony, that that system is complicated, and not thoroughly understood by the men; was that your experience of it at Portland?—No; I do not remember that it was complicated at all when I was at Portland, but simple, and I fancy it is the same now.

3847. (*Lord Cranworth.*) You allude to the V.G.'s and the G.'s?—Yes.

3848. If I understand rightly, there is no precise quantity of work laid down at Portland for which a man must have V.G. or G. to enable him to gain a week or a month?—No; but that is just what brings the matter to an issue, as to having figures instead of letters.

3849. Does not the same thing apply in both cases?—They have nine marks in Ireland to make up in a month, three for industry, and so on. If a man has V.G. all through the month, he then gets his three marks, but if he is only marked G. he only gets two.

3850. (*Mr. Waddington.*) I thought you had no V.G. at Spike Island?—Yes, we have, in the officers' books only.

3851. (*Chairman.*) Is there any precise rule at Spike Island as to the number of G.'s and V.G.'s that a man must earn in a month in order to get one, two, or three marks?—Yes; he must be V.G. all through the month to get his marks in full.

3852. To be put down for a single day G. would forfeit one-third of a man's whole earnings?—No, but he would be marked G., and if he is only G. through a month he would only get two marks.

3853. That is one-third?—Yes, and if he is marked "ordinary" for a month he would only get one mark.

3854. If he failed for a single day to get V.G. he would fail altogether?—No, it would not be for a day, but for his general conduct.

3855. Is there no precise rule as to the number of times that a man must be marked V.G. in the course of the working days of a month in

Captain I. S. Whitty.

6 March 1863.

order to obtain his three marks?—No, there is not; but if his general conduct during a month has entitled him to V.G., he gets three marks.

3856. There is no definite process?—No; it is not a daily record.

3857. (*Sir J. Pakington.*) Have you ever observed any unduly depressing effect produced by the greater severity in Ireland of the earlier period of separate confinement?—No, I have not.

3858. The minimum period of separate confinement in Ireland is one month less than in England?—Yes.

3859. What is the maximum period to which you can prolong it?—They very seldom get beyond 12 months, and that is in gross cases of misconduct.

3860. Do you think it would improve your system to prolong that period, so as to make it in the earlier stage more penal than it is now?—I do not think it would. At one time, I believe, it was 12 months, the ordinary time as in England, but it was reduced.

3861. At the time to which you refer, when 12 months was the ordinary period in England, you were employed, were you not, in the English prisons?—Yes, at Portland.

3862. Has your experience led you to approve of the reduction from 12 months to nine?—I was obliged to approve of it on medical grounds; that was the ground on which the change was made.

3863. Does your experience lead you to concur in the recommendation, or have you observed any bad effects to result from separate confinement for 12 months?—The men used to come out after that time in a very unfit state to go upon the public works. The question was gone into, and it was said that that was in consequence of their low scale of diet, and some time after that the period of separation was reduced from 12 to nine months, as I have stated before, on medical grounds.

3864. (*Mr. Waddington.*) I believe that was done on the representation of Captain Groves, the governor of Millbank?—Yes, I think so.

3865. (*Lord Cranworth.*) Who is it that superintends the men at the intermediate prisons?—There is a superintendent. We have a superintendent at Smithfield, and a mere principal warder at the detached prison at Lusk.

3866. Has he any officers under him?—Four officers at Lusk. His establishment, if it was filled up, would consist of 100 men.

3867. (*Sir J. Pakington.*) Do you think that the system of intermediate prisons does practically facilitate the means of obtaining honest employment for the men after their discharge?—I do.

3868. Can you state to the Commission what proportion of the convicts, after their release from the intermediate prisons, do pass into honest employment?—I can scarcely do that except in Dublin. I think I could there find it out pretty nearly.

3869. Do you think it is a large proportion?—I think it is large.

3870. Is Mr. Organ conversant with such matters?—Yes.

3871. Do you think he knows exactly what proportion of them obtain honest employment?—He knows about every one of them.

3872. How long has he been able to obtain that accurate information?—He has had that accurate information for certainly six years at least.

3873. (*Lord Cranworth.*) What is Mr. Organ?—He is now called the lecturer, but I think he had been trained for a schoolmaster before.

3874. (*Mr. Waddington.*) Is he a Roman Catholic?—Yes.

3875. (*Sir J. Pakington.*) What led to his obtaining his present position?—I really do not know, but when the intermediate prisons

were established, he was put into that position; I was not in Ireland then.

3876. Is he recognized as one of the officials?—Yes, he is the paid lecturer.

3877. What is the amount of his salary?—200*l.* a year, I think, altogether, but he does an immense deal of work—he is always at work.

3878. (*Lord Naas.*) His whole time is occupied, is it not?—Yes, his whole time has been latterly occupied, he very often goes about at night; it is not actually part of his duty, but he goes himself and sees what the people under his charge are doing at night.

3879. Has he any other occupation?—I think he has some other employment.

3880. (*Mr. Waddington.*) With regard to emigration, do you not give assistance to convicts in the way of taking passages for them?—We do, in a certain manner, but we are obliged to be very cautious, for obvious reasons, about it. They merely get information that may assist them.

3881. You not only encourage them by lectures, but you actually assist them in that way?—Yes, by information.

3882. (*Lord Naas.*) Do you assist them beyond the amount of their gratuities?—No, we merely get for them the necessary information.

3883. (*Mr. Waddington.*) You were very successful in the year 1862, for I believe that you got 95 of them to emigrate out of 142 from the intermediate prisons?—That means "gone abroad, &c."

3884. (*Lord Cranworth.*) What proportion do you suppose is included under the "&c."?—I do not think that the whole proportion who go away, taking into account all who are discharged from our prisons, goes beyond 25 per cent.

3885. (*Mr. Waddington.*) Confining yourself to the intermediate prisons, would there not be a great many more than 25 per cent.?—Yes, more; those in Dublin are immediately under Mr. Organ, who affords information.

3886. Is there not a much larger proportion in the intermediate prisons who are provided for by emigration or otherwise, and are not put under the superintendence of Mr. Organ or the police?—Yes.

3887. A very much larger proportion?—Yes.

3888. (*The O'Conor Don.*) Cannot you state what proportion of the number of 95 under the head of "gone abroad" have actually gone abroad, as compared with the "&c.," including other means of disposing of them?—Not exactly.

3889. (*Lord Cranworth.*) What proportion of the 95 are to be ascribed to the "gone abroad," and what proportion to the "&c.?"—I think the "&c." might include about a third of the 95.

3890. (*Mr. Waddington.*) It would be a much larger proportion than in the year 1861?—Yes, that is "gone abroad."

3891. And I think a larger proportion than in any year since 1858?—Yes.

3892. I suppose, if the same system was to be carried out on a very large scale in England, the difficulty of continuing it would materially increase with reference to other countries?—That would depend very much upon how it was done. If it was done without caution it would increase the difficulty.

3893. Suppose 1,000 persons were induced to emigrate from England and Scotland, would not that lead to great difficulties?—If it became known it might.

3894. But suppose it became known?—I think it might.

Captain I. S. Whitty.
6 March 1863.

3895. Are these returns all perfectly correct?—They appear to me to be correct as printed.

3896. (*Lord Naas.*) Speaking generally, do you think that the treatment in Ireland, particularly in the earlier stages of the system, is as severe as it was in England during the time you were connected with the service?—I think it is much more severe.

3897. Do you think that the earlier stages in Ireland are more severe, and the later stages not so severe as in England?—The earlier stages, up to the time that the men come to the intermediate prisons, are certainly more rigid.

3898. You think that the whole period of confinement in Ireland, up to the time when they go into the intermediate prisons, is a severer system of punishment than in England?—Yes, I think so.

3899. Are you in favour of making corporal punishment part of a sentence to penal servitude?—I think there are certain crimes that would be very well met by corporal punishment, but I never thought of connecting it with penal servitude.

3900. (*Lord Cranworth.*) Do you think that corporal punishment is at all common in convict prisons?—For the last three years we have not had any corporal punishment in the convict prisons.

3901. (*Lord Naas.*) But are you not of opinion that it is necessary to retain the power to inflict corporal punishment?—Yes, as there might be cases in which it might be very necessary to use it.

The witness withdrew.

Adjourned till Friday next at 12 o'clock.

Friday, 13th March 1863.

PRESENT:

Earl GREY.	Mr. HENLEY.
Lord NAAS.	Mr. WADDINGTON.
Lord CRANWORTH.	Mr. RUSSELL GURNEY.
Mr. BOUVERIE.	The O'CONOR DON.
Sir JOHN PAKINGTON.	Mr. CHILDERS.

EARL GREY IN THE CHAIR.

Captain J. M. Gambier.
13 March 1863.

Captain JAMES MARK GAMBIER examined.

3902. (*Mr. Waddington.*) How long have you been engaged in the convict service?—13 years and six months.

3903. In what capacity did you first enter that service?—I was appointed deputy governor of Millbank prison in October 1849. I was then appointed governor of Dartmoor prison in February 1851. I was transferred from Dartmoor to Portsmouth prison as governor in April 1854. I was transferred from Portsmouth to Millbank prison as governor in December 1854; and I was promoted to be a Director of Convict Prisons on 1st July 1856.

3904. Have you had ample experience of those public works prisons both as governor and since you have been a director?—Yes, I have.

3905. What have been your peculiar duties as a director?—My duties as a director are to visit the prisons of Portland, Portsmouth, Chatham, Dartmoor, and Woking once a month, if I possibly can. It sometimes happens that I cannot get to every one of them every month. When I visit those prisons I have to see all the prisoners who may

wish to see me, and who have any questions to ask; to try any of the men who may have committed themselves, and who have been reported to me by the governor for offences that he considers too serious to deal with himself; to visit all parts of the prison, and to see all the prisoners under punishment, in the infirmary, and inquire into reports against any officer that there may be, and also to visit such part of the public works as time will enable me to do.

3906. How long do you generally remain at Portland on each visit?—It generally takes me three days to go from London to Portland and return, and it takes four days to go to Dartmoor and back; then about two days to Portsmouth and back; to go to Woking and Chatham it takes only one day to each prison. I can frequently go down twice in a month to those prisons. I can give a day when I cannot give three.

3907. We have had the particulars of the discipline at Portland and Chatham described to us; is the discipline of Portsmouth, and the routine of the prison duties much the same as at those two prisons?—Yes, exactly the same, but the labour, of course, is not quite the same.

3908. Just describe the nature of the labour performed at Portsmouth?—It is principally dockyard labour. The great majority of the prisoners are employed either in scraping the bottoms of ships or in loading or unloading colliers, or they are employed in the chain stores cleaning chain cables, in sweeping up the dockyard and keeping the docks clean. They are also employed at the Gun Wharf, under the War Department, in cleaning and scraping shot, &c. Another party is employed in levelling the whole of the Southsea Common. There is also another party over at Haslar Hospital, and also in the Victualling Yard.

3909. The nature of their employment is extremely various?—It varies very much.

3910. What is the whole number of prisoners now at Portsmouth?—800. There used to be 1,000 and more, but the Admiralty were not able to employ the other 200, and we reduced the number to 800.

3911. Is there full employment found for the whole of the 800?—Yes, and we were in hopes there might have been an addition to that number this year.

3912. Are any of the convicts employed in trades, or in any other way?—Only those who have to keep the prison buildings in repair; just a few carpenters, a bricklayer or two, and a painter or two. There is a certain number (14) employed in the tailor's shop, to keep the clothes in repair; and about the same number in the shoemaker's shop, to keep boots and shoes in repair; all the rest are employed on the works, except cooks, bakers, washers, and cleaners.

3913. Are they employed under the direction of officers employed by the Admiralty?—No, under the direction of our own officer; but the work they perform is measured conjointly by an officer of the Admiralty and our foreman of the works.*

3914. Is the record of that kept?—Yes, and reported upon every year in the directors' annual reports.

3915. Have you got an account of that for the last year, here?—Yes.

3916. Can you state the result of that; is there a value placed upon it?—Yes.

3917. (*Lord Cranworth.*) Who fixes the value?—It is fixed by the Admiralty surveyor and our own surveyor. This is the statement of

* See correction of this statement in a letter from Capt. Gambier, of March 16, 1863, printed at the end of his evidence.

Captain J. M. Gambier.

13 March 1863.

Captain Rose, the governor:—" It is very favourably spoken of by the " departments employing it, and certainly not inferior to free labour, " man for man; it has been carefully valued, and gives under a very " moderate estimate the following average: For effectives 2*s.* 1*d.* " per man per day; for effectives and non-effectives together 1*s.* 9½*d.*, " and the prisoners as a body have showed by the amount of work they " have performed and their willingness in performing it a very " creditable degree of industry, and a general desire to obtain the " character of being industrious. The total value of the prisoners' " labour at this prison, in the year has been 23,940*l.* 19*s.* 1*d.* the " average number of men in prison (working days) being 853, although " the average number of effectives for labour was only 736."*

3918. The value which is given, was placed on it by those two gentlemen?—Yes, the Admiralty surveyor and our own foreman.*

3919. What was the value of the labour in the prison?—I have given you the general earnings of the whole prison, but a part of that is for the Admiralty Department. It is valued at 17,000*l.* and for the War Department, it is valued at 1,998.

3920. Are you aware upon what principle the value is put on?—The work is measured where it is possible to measure it; when they are unable to value it by measurement then they put as fair a value on it as they can.

3921. For whom is the work at Southsea Common done?—It is done for the Southsea Committee, at the request of a committee of the corporation, and also I believe at the request of the general commanding the forces there, for the purpose of levelling the whole of Southsea Common to make a parade ground for the troops.

3922. It is the property of the corporation?—Yes, I believe so.

3923. (*Mr. Bouverie.*) It is a mere matter of account, there is no money paid by the War Department?—No, not by the War Department but there is for the esplanade, and that is set off as against the expense of the prison.*

3924. That is credited to the public?—Yes, it is.

3925. (*Mr. Waddington.*) That is actually paid into the exchequer?—Yes.*

3926. Between the two departments it passes merely as a matter of account?—Yes.

3927. (*Chairman.*) 1,824*l.* is the sum actually paid in by the Southsea esplanade committee?—Yes.*

3928. (*Mr. Henley.*) How many men earn that 1,824*l.* and in what time?—50 men daily for six days in the week, it is for the year at the rate of 2*s.* 4*d.* per man per diem. There are on the average 50 men daily, sometimes there are fewer men.

3929. (*Lord Cranworth.*) And sometimes more?—Never; a party is 50; there might be a man or two in the infirmary, or three or four in school in the afternoon, 50 is the average.

3930. (*Mr. Bouverie.*) Was the labour valued for that purpose by those officers?—It would be valued by a person belonging to the corporation, and by our own foreman of works.

3931. (*Mr. Henley.*) They actually paid the money?—Yes.*

3932. (*Mr. Waddington.*) Can you give us the average value of the labour per man?—Including effectives and non-effectives, it will be 1*s.* 9½*d.* per day.

3933. But take the effectives only?—For the Admiralty it would be

* See correction of these statements in Capt. Gambier's letter, at the end of his evidence.

2*s.* 1½*d.*; for the War Department 2*s.* 4*d.*; and for Southsea esplanade 2*s.* 4*d.*

3934. From what you have seen, and from what you have heard from the governor of the prison and the warders, what is your opinion of the mode in which the prisoners do their work?—I think that they perform their labour in a very fair way. I do not think that the labour got out of those prisoners in the dockyard is so satisfactory as that which we obtain from the prisoners either at Portland or at Chatham.

3935. Will you state your opinion of the mode in which the prisoners at Portland and Chatham work?—The prisoners at Portland work in the quarries, and on the Verne fortification, and in workshops. At Chatham the greater number work on St. Mary's Island, where they are entirely away from the public.

3936. What is your opinion of the efficient nature of their work?—I think the work they do at Portland and Chatham is most efficient, and that the men are most industrious, and that as a body they are very well-behaved; and so they are at Portsmouth, only I do not think the nature of the dockyard labour is quite so productive and good as the labour at those two other prisons.

3937. In the dockyard I suppose they are necessarily mixed very much with the free labourers?—Yes, and the sailors and dockyard labourers will give the men tobacco; they will give them all kind of things when they have an opportunity, and that leads to prison reports.

3938. Is the number of warders at Portsmouth about the same in proportion to the number of prisoners as at Portland?—Yes, nearly the same, nine per cent.

3939. Does that include the principal warders and the chief warders?—Yes; but it does not include the civil guard.

3940. What is that civil guard?—The civil guard is a body of men who were appointed when the Crimean war occurred, when the Government were no longer able to afford us the protection of the military we then had to organize our own force; those are men armed with firelocks, and who are placed as sentries at the outskirts on the different posts.

3941. Is it so at all the prisons?—Yes, at all the public works prisons, except Woking.

3942. What is the number of those men?—They vary at the different prisons; the number at Chatham is 25.

3943. To about 1,100 prisoners?—Yes; the number at Portland is 43 to 1,520 prisoners; the number at Dartmoor is 30 to 1,200 prisoners, and the number at Portsmouth is 21 to 800 prisoners.

3944. At Portsmouth you have abundant assistance near at hand, I believe?—Yes, and at Chatham as well, and also, to a certain degree, at Portland, there being 150 men quartered in a barrack on the Verne fortifications.

3945. At Dartmoor are you very much left to yourselves?—Very much so indeed at present; we are in hopes of having a telegraphic communication made between Dartmoor and Plymouth.

3946. I believe that a considerable number of the prisoners at Dartmoor are invalids?—All of them; but not quite of so bad a class, as far as bodily complaints are concerned, as the invalids at Woking Prison.

3947. The Dartmoor invalids are capable of light labour, are they not?—Yes, a proportion of them; those are employed on the bogs, and in reclaiming the land, draining and trenching; those who are unfit for that labour are employed in picking oakum principally for the Admiralty, at Devonport, basketmaking, and matmaking; those two latter employments are new, and have been lately introduced.

Captain J. M. Gambier.

13 March 1863.

3948. What is about the proportion of those who are fit for agricultural work at Dartmoor?—About 450.

3949. Out of 1,200?—Yes; but we have been trying to reduce that number, because so many men have to be in association in large rooms, by day and by night.

3950. You have not separate cells for them all?—No, we have not. I can furnish a return of the number of cells, and of those that would be in association.

3951. Would it be desirable to make an alteration in the prison, so as to have separate cells?—Most desirable in every point of view; it would be one of the most desirable things, and it is what Sir Joshua Jebb has always been most anxious to carry out. He has been in hopes that the expense might be spared to the public when Broadmoor was opened and Woking, but it is a very curious fact that in late years the number of invalids has wonderfully increased. I may say that a few years ago they were 14 or 15 per cent., and they are now from 22 to 23 per cent. on the whole body of male convicts.

3952. (*Chairman.*) Out of the whole body of convicts in the charge of your department there are 22 per cent. of invalids?—Yes; from 22 to 23. I brought it to Sir Joshua Jebb's notice about two months ago, and he could hardly believe it.

3953. (*Mr. Bouverie.*) Have you attempted to account for that increase?—No; I can only account for it in this way, that the able-bodied men do not come back to prison as the invalids do; they find labour, or they find employment, or they emigrate, but the invalids are the most troublesome men of all troublesome men to manage; one hardly knows how to deal with them; you cannot punish them, the medical officers will not allow you to do it; these men serve out nearly all their time and either get discharged on licence, or at the expiration of their sentence they commit themselves again, and are re-convicted.

3954. Being less able to earn their livelihood in an honest way?—They are not able to do so.

3955. (*Mr. Waddington.*) The treatment is less severe?—Yes, because the medical officer is the person who decides. When I go down to the prison, if any man is brought to my notice as having committed an offence, I cannot inflict a single day's bread and water upon him without a certificate from the medical officer that he is fit to undergo it. In many instances he will not give that certificate, and then I can only deal with the case by making the forfeiture of a portion of a remission of his sentence more severe than in the case of an able-bodied man.

3956. These invalids are generally kept longer, are they not, and they get a smaller remission?—Yes, generally speaking, that is so.

3957. What are the prevalent complaints amongst them; consumption is common, is it not?—Yes, particularly at Woking. I do not think it is at Dartmoor, except a man comes there consumptive. I believe in the medical reports there are few instances of men becoming consumptive who have not previously shown a tendency to that disease.

3958. (*Lord Cranworth.*) Dartmoor is close to Princes Town, is it not?—Yes, it is about 1,250 feet above the level of the sea, very cold, and very wet.

3959. Is not Princes Town a place to which consumptive patients are very apt to go?—Not that I am aware of; it is but a hamlet.

3960. (*Mr. Waddington.*) Have you also a considerable number in a weak state of mind, or almost approaching to imbecility?—Yes, a great many; I should say that there are about 170 at Dartmoor now,

and about 50 at Woking, that we do not know what to do with, and of course the other prisoners urge them on to all kinds of mischief, and they do a great deal of harm there. *Captain J. M. Gambier.* 13 March 1863.

3961. Are these men not fit for punishment ?—No, it is impossible to punish them as a rule.

3962. (*Sir J. Pakington.*) What is the number of prisoners at Woking ?—556.

3963. What is the state of those 170 ; are they all in a state amounting to or approaching to insanity ?—They are partly idiots, scarcely to be made answerable for their actions, but they are not men that a board would pass as lunatics for Bethlehem or any other lunatic asylum.

3964. (*Mr. Waddington.*) To do that you must have medical certificates that they are not of sound mind ?—Yes, and the medical officer cannot give it ; we must call in a board ; a magistrate must inquire into it.

3965. Two magistrates and two medical men ?—Yes, to certify to the fact.

3966. (*Sir John Pakington.*) You would not say that any one of those 170 was a man of sound mind ?—I think not. I had a letter this morning from Dr. Campbell, the medical officer at Woking prison, in which he draws my attention to certain of those men. They are weak-minded men, and he says that they are upsetting the whole establishment.

3967. (*Mr. Waddington.*) They are totally unfit for penal discipline, and yet not in such a state of mania that the medical man will certify that they are of unsound mind ?—Yes.

3968. (*Lord Naas.*) Do you think that such a class ought to be treated separately ?—We had hoped they would be moved to Broadmoor prison.

3969. (*Mr. Waddington*). There is a new asylum for lunatics being built at Broadmoor by the Government ?—Yes.

3970. Are you aware that in the Act of Parliament under which that asylum is being built there was a clause introduced to meet the cases of such men as you have described ?—Yes, I am aware of that.

3971. A clause was specially introduced which enabled the Government to send to this new establishment not only persons certified to be insane, but persons found to be unfit for penal discipline ?—Exactly so.

3972. That is, persons in the convict prisons ?—Yes.

3973. You think that may be done ?—Yes ; I am in hopes of it, if room can be found for them.

3974. You are aware that there is a great number of criminal lunatics who are pressing for room in the same establishment ?—Yes.

3975. (*Mr. Bouverie.*). Referring to this half imbecile class, do they come back upon your hands constantly ?—Yes, a great many of them do, they are no sooner liberated than they are convicted again ; they have nobody to look after and take care of them.

3976. Is there any particular class of crime that they are more guilty of than another ?—Every class of crime.

3977. (*Chairman.*) Are they frequently violent ? — Dreadfully violent, so violent that there has been a power given to the directors to place those men in what is termed a body belt ; a belt that goes round the waist, and their hands are confined in it ; they can move them, but not lift them up to strike anyone.

3978. (*Mr. Henley.*) In point of fact these people who are not insane are treated at Dartmoor with very much greater severity, so far

Captain J. M. Gambier.

13 March 1863.

as mechanical restraint goes, than the most dangerous classes are in any lunatic asylum in the kingdom?—I have not been into any of the lunatic asylums.

3979. If the fact be that in the public asylums of the kingdom the most dangerous classes are treated without mechanical restraint, and this class in Dartmoor who, it is said, are not insane are treated in that way, does it not follow that they are treated with very much greater severity than the most dangerous classes in lunatic asylums?—I do not think that there is any cruelty shown; this body belt we can only keep on for six months; but we rarely go to that length.

3980. Is any other mechanical restraint used as to those people, except by the body belt which you have just described?—No, that is the only one; this is merely put on round their waist, it is no pain to them; but simply a restraint to prevent them doing damage to themselves, to their fellow-prisoners, or to the officers.

3981. (*Mr. Bouverie.*) Is it kept on night and day?—Yes.

3982. (*Mr. Henley.*) Do you know the proportion of those people who are in this state of imbecility when they enter into the first period of confinement?—That would appear in a return from Millbank prison. I can state, that out of all this large number of men at Dartmoor prison, there is but one man now under the restraint of the body belt, and that for the last three or four months there has not been one; at Woking there is also but one under such restraint; but I may say that for months there has not been one before this man at Dartmoor.

3983. (*Mr. Bouverie.*) Has that man been put under restraint by your direction?—Yes.

3984. (*Mr. Henley.*) My question is this, whether the state of mind you have described has been ascertained to exist when the people first came into the government convict prisons at Millbank or other prisons, or whether it has come on, and been discovered and reported upon, after they have been in prison?—On their reception into Millbank prison, and that has been the cause of their being sent either to Woking or to Dartmoor, as being unfit from their bodily ailments to go elsewhere.

3985. I have been referring to their mental ailments?—Yes, their mental ailments as well as bodily.

3986. (*Chairman.*) They are, in short, dangerous?—Very dangerous indeed at times.

3987. (*Mr. Henley.*) Are they drafted from Millbank prison, having undergone there a preliminary imprisonment?—In some cases they have not undergone a month, six weeks, or two months. Upon Dr. Guy reporting them to be unfit to undergo separate confinement, they must be moved.

3988. (*Mr. Waddington.*) After your great experience in these prisons, are you able to say that there has been a gradual increase of these invalids?—Yes, there has been a gradual increase of them. When I first came into the convict service, in the year 1849, there were very few of these men. Then Dartmoor prison was established, and originally it was populated by able-bodied men for the first two or three years that I was there; we built our prison chiefly by convict labour, and reclaimed the land; but gradually, I should say within the last six or seven years, these have increased in number.

3989. It was intended to send them all to Dartmoor?—Yes, and in fact about five years ago it became necessary to build an additional invalid prison at Woking, as we were full. There were 1,200 at Dartmoor then.

3990. Can you assign any reason for the increase that has taken

place in this class of men?—No, I cannot indeed, except, as I said before, that I believe the able-bodied men do not come back upon our hands in such numbers, because they find employment in other ways, which these invalids cannot do.

3991. (*Lord Cranworth.*) At what date was the 14 per cent. that you spoke of there?—I should say that that was up to the last five or six or seven years. I have been frequently bringing the fact to the notice of Sir Joshua Jebb.

3992. (*Mr. Waddington.*) I believe that, in addition to the invalids and the imbeciles, there are a great many others who are quite unfit for transportation?—Entirely unfit. There was not a single man of the 1,200, when we had Dartmoor full, who was fit for transportation, and it was necessary therefore to dispose of them in this country.

3993. All those at Woking are also in the same condition, are they not?—They are worse. I should explain that as the men become better, and where there is medical hope that they may recover their strength, we place them in what are termed test-gangs both at Dartmoor and at Woking, where we employ them upon the hardest labour we can find. If they can go through that labour for three months, we then draft them to Portland, Portsmouth, and Chatham; then, if they are able to perform the labour there, they in their turn get embarked for Western Australia, if the surgeon-superintendent of the ship will pass them; but the places which they leave vacant at Woking or Dartmoor are filled immediately from Millbank prison and the separate confinement prisons.

3994. There is always a supply?—Yes.

3995. Can you state the per-centage of the convicts who are unfit for transportation?—There are about 1,360 now who are unfit.

3996. Out of what number?—Out of the whole number of the convicts in the convict prisons.

3997. That number being about 8,000?—Yes.

3998. (*Mr. Bouverie.*) Do you mean that these are stated to be unfit on medical grounds?—Yes, they are unfit for transportation, or even for hard labour in the able-bodied prisons at home.

3999. (*Lord Cranworth.*) You have stated that there are 1,200 at Dartmoor?—Dartmoor prison is capable of holding that number, but we have endeavoured to keep the proportion down.

4000. (*Mr. Waddington.*) If you were to add those men who are under sentences of three and four years penal servitude, would not that make a great deal more than half the whole number?—Yes; those men who are sentenced to three and four years penal servitude of course cannot go to Western Australia.

4001. Does the number that we have to transport amount to anything like half the whole number?—No; the men under sentences of three and four years penal servitude are so very numerous.

4002. In the year 1862 they amounted to two-thirds of the whole number?—Yes, I believe so.

4003. There was a very large proportion in former years, and, therefore, the number from which men can be selected for transportation is extremely restricted indeed?—Yes, in that point of view.

4004. (*Chairman.*) You have spoken of the large proportion of men who are, on medical grounds, unfit for transportation?—Yes.

4005. Was it not formerly the practice—say 20 years ago—to be much less particular as to the class of men who were transported?—Yes, very much so; but we are most particular now, and we have been so ever since I have been connected with the convict service.

4006. Formerly a large number of those men who now come back

Captain J. M. Gambier.

13 March 1863.

upon your hands were transported, and it was one of the great subjects of complaint in the colonies that a great number of men, who were physically unfit for transportation, were then a great burthen on the colonies?—That was so, I believe.

4007. May not that proportion account for the great increase in the per-centage of the description of men who are now upon your hands?—Doubtless it has been accumulating partly in that way, and I should add that there are men who are guilty of certain crimes whom we never send.

4008. (*Mr. Waddington.*) It has been stated by a very able gentleman that several persons have arrived in the colony who have been transported when insane; is it possible that they could have been in that state when they left this country?—I should say it was impossible; and if they were so I am the person to blame for it.

4009. What precautions are taken, in the way of medical examination, to prevent it?—When men are ordered to be selected for embarkation, I send down orders to the governors when it is settled what proportion of men each prison is to furnish; the instructions first of all are, that men are to be rejected who have ever been known to have been in a lunatic asylum, or who have ever shown any symptoms of insanity; secondly, men who have been convicted of unnatural crimes or bestiality, those are men who are never sent; strict orders are given to the medical officer who examines these men, and every caption is looked into and gone over. Then, when the men are selected, their names with their captions are sent up to me in Parliament Street.

4010. You mean the documents showing the nature of the offence and the nature of the conviction?—Yes. I then go through every single caption with one of my clerks, and compare every man's conviction and his crime; and therefore, if any man has gone out as has been said, I am the person to blame for it. I do not believe that one has gone out since I have been a director.

4011. There is also a medical superintendent appointed by the Admiralty to every convict ship?—Yes, and he inspects every man in the yard of the prison before he is allowed to embark.

4012. Would he pass any man who had any symptoms of insanity about him?—Undoubtedly not.

4013. (*Mr. Henley.*) Is he free to reject whom he pleases?—Yes, and for that reason I always have at Portland prison, which is the last place where a ship calls at, what is termed a reserve list of men ready to take the place of any who might be rejected for any cause whatever; indeed there are two reserve lists.

4014. (*Chairman.*) You are aware, I presume, that reports were received from Western Australia as to several men having been sent to that colony who had been lunatics in England, and also of several who had been convicted in England of unnatural offences?—Yes, I have heard so, but I do not know in what year they were sent. I am only answerable since the 1st July 1857.

4015. (*Mr. Bouverie.*) Were there any new restrictions imposed with respect to the selection of the convicts at the time you commenced your duties?—No.

4016. (*Chairman.*) Are you aware when these reports were received from Western Australia whether there was any investigation into the circumstances of each case in this country?—I am not aware of that, for I only knew of it in this room about a fortnight ago.

4017. (*Chairman.*) Was not the case of the Nile brought before you?—No.

4018. (*Mr. Waddington.*) Who had this duty to perform before you?—Captain Whitty.

4019. How long had he the duty of selecting those men?—I think for about six years.

4020. (*Mr. Russell Gurney.*) Was a considerable number of men sent to Western Australia who had been sent out to Bermuda?—Only latterly, I believe. On the breaking up of the Bermuda establishment, a ship was sent out from this country to take, I think 190 or 200 men from Bermuda to Western Australia. I cannot be answerable for those men's crimes; we had no restrictions in selecting the men to go to Bermuda, and many who had been guilty of various crimes were sent to Bermuda and Gibraltar.

4021. (*Mr. Waddington.*) It was only the other day that they were sent from Bermuda?—Yes.

4022. (*Mr. Russell Gurney.*) Do you remember the date of their being sent from Bermuda?—It was three or four months ago.

4023. (*Mr. Waddington.*) It was upon the breaking up of the establishment at Bermuda?—Yes.

4024. It was thought preferable to send them on than to bring them home here?—Yes.

4025. Were they principally men under long sentences?—Yes, I believe so.

4026. Before that it was not the practice to send convicts from Bermuda or Gibraltar to Western Australia?—Never, that I know of.

4027. Can you speak positively upon this point during your time?—Yes.

4028. (*The O'Conor Don.*) Have you not sent this description of convicts to Bermuda and Gibraltar?—No doubt, because we had no orders not to do so.

4029. (*Mr. Waddington.*) These men must be somewhere, I suppose, and they might as well be at Bermuda or Gibraltar as at Portland?—Yes, they would go in their turn.

4030. (*Lord Naas.*) At Bermuda the greater number of the prisoners were kept in hulks were they not?—Yes.

4031. And obviously for that reason a prisoner who had been guilty of such an offence as has been referred to would be very unfit to be sent to Bermuda?—Yes, of course.

4032. (*Mr. Waddington.*) At Bermuda they are under military discipline, are they not?—Yes, and it is very severe discipline.

4033. Have you any more observations to make as to the general labour of the prisoners, or is there anything in which you think any improvement could be effected, for instance, to make them work harder?—I do not see how you could make them work harder than at present; they do a very fair day's work. It has been said that they do not perform a sufficient amount of labour, but my own experience, and all the testimony of the different governors and their officers, lead to this conclusion, that they do perform a very fair day's labour. I do not think that you could task their work.

4034. You think that to put them to task work would be impracticable?—Where the work is scattered and of different descriptions, it may vary several times in the course of a day, and it would, therefore, I think, be impracticable. Suppose, for instance, that some of the work was of this kind, and that other portions of the work were capable of being measured, and of being made task work, the greatest dissatisfaction would arise among the parties who could not be tasked if any advantage was to be gained by those who were so favoured. As an illustration of this, I may mention that the greatest efforts are made

Captain J. M. Gambier.

13 March 1863.

by the convicts, and also that it requires much watchfulness on the part of the governor and his superior officers to prevent favouritism, to gain the goodwill of their officers by extra exertions in order to get transferred into what they term the good or the inside berths of the prison. Those mean the cookhouse, the bakehouse, the tailor's and shoemaker's shop, prison cleaners, and carpenters, &c. I know that Sir Joshua Jebb, from having been an officer in the engineers, is most favourable to task work, and we have frequently most earnestly consulted upon this matter, yet we have never been able to see our way through these difficulties, and I must add, from my experience, that I fear the difficulties are scarcely to be overcome. I have a letter here from the governor of Portland prison, dated 7th August 1862, in which he says: "Task work cannot be done at that prison;" again, at Chatham, "A man may be pile-driving one part of the day, drawing stores "another part, and excavating and wheeling clay the remainder of the "day, or only one half the party may be so employed, therefore it is "not possible to task it."

4035. I suppose that at Portsmouth it would be quite impossible?—Yes.

4036. Have you any reason to suppose that the warders, for the purpose of getting the small gratuity that we have heard of, render an inaccurate account of the work done by the prisoners?—They could not do it.

4037. Will you be good enough to explain to the Commission how that is impossible?—When the men are out on labour at the different public works prisons, they are divided into so many districts, and over each district a principal warder is placed in charge. It is his duty to be constantly moving about amongst the parties in his district, watching how the men perform their labour, and that the warders keep a true and correct record of the men's labour.

4038. Has the warder any interest whatever in the amount of the gratuity?—In the amount of his gratuity as principal officer of the district there is no inducement whatever to favour any officer or person. It is also the duty of the deputy governor and the chief warder, and they are bound to visit all the working parties twice a day, to keep their eyes upon all the labour performed in the different parties, and to be constantly looking into the books of the different warders who daily record the labour of the prisoners under them. Supposing such a case to occur, that there is any reason whatever for suspecting that an officer is making an unfair return as to how his men labour, instructions will be given quietly to have that man watched for days, and yet, although this has been done, we have never found any instances of officers making an unfair return of their prisoners' labour.

4039. A watch has been kept for the purpose of discovering whether any unfair reports have been made?—Yes; a most strict watch has been kept.

4040. Does that apply to Portland, or to all the prisons?—It applies to all the prisons.

4041. Have you any reason to suppose that the warders are under such fear of the prisoners as to make favourable reports contrary to the fact?—I will undertake to say that it is not the fact.

4042. You, as a military man, and knowing these warders well, can tell whether they are afraid or not of the prisoners?—I can tell a man in a moment, whether he is afraid or not, and I can say they have not the slightest idea of fear; they will go amongst the men, who are mostly armed with spades, pickaxes, &c., without the slightest fear whatever. I do not say there has never been an instance in which an

officer may not have been quite as active as he ought to have been, and not shown quite as much courage as he should have done, but in these cases we always get rid of the officer, and I do not remember above two or three such instances in all my experience.

4043. Do you happen to know anything of that horrible case that occurred at Portland, and which was tried at Dorchester the other day? —Yes, I was down at the prison the next day after it occurred, I think.

4044. Was the prisoner in that case known to be a dangerous person? —Yes; he was known to be a dangerous man, and all parties were warned to have their eyes upon him. I am afraid there is a vast number of these dangerous kind of men, and until we have a prison for that class of men of course these accidents must occur. On the public works these things will happen until there is a prison to confine these dangerous men who are guilty of frequent violence, and who are what we term incorrigibles; of course these things must occur.

4045. To what sort of confinement would you subject these men?— I think there should be a prison in some locality by itself, where the most stringent penal discipline could be exercised, and where these men should have no remission held out to them at all, where they should have the most penal diet, and where all the work that they were called upon to perform should be within the prison walls.

4046. Should you have no fear that such a system might drive such men to desperation, and make them perhaps murder the warders?—I think it would not have that effect, but you would require a larger percentage of officers; and until some such system is established, I fear that with the class of men we have, and who are desperate characters, these outbreaks will of course occasionally occur.

4047. (*Mr. Bouverie.*) How many occurrences of this kind have there been at Portland, and how many warders have lost their lives?— I do not think there has been more than one in my recollection. I have known several desperate characters there.

4048. (*Chairman.*) Have there been many cases of assaults upon officers?—A great many cases.

4049. How do you deal with those cases?—They are reported by the governor to me, and on my first visit, which is as soon after as I possibly can go, I go into the whole case, and if I intend, on looking into it, to inflict corporal punishment, I have to take the whole of the evidence upon oath. I do not think that corporal punishment is so effective a punishment—particularly the number of lashes we are restricted to—as a heavy punishment of bread and water. I give these men from 10 to 14 days bread and water in close confinement, and I also add what is termed 28 days of Indian meal diet in separate confinement.

4050. (*Mr. Waddington.*) Is that the same that is given at Millbank? —This is a particular diet that is given at the public works, the Indian meal diet. I do not think it is the same as at Millbank prison. I will read the diet: "Chatham prison—scale of Indian meal diet: "Breakfast, oatmeal, 10 oz.; milk, ½ pint. Dinner, Indian meal, 10 oz.; "milk, 1 pint; potatoes, ½ lb. Supper, bread, 12 oz." I give that for 28 days, reduce them to the third class, make them forfeit all the gratuities that they have earned; and I suspend the whole of their remission of sentence, generally speaking, for an assault upon an officer; they also are clothed in a parti-coloured dress and have to wear leg chains of 6 lbs. weight.

4051. (*Chairman.*) Do you think that that is as effectual as corporal punishment severely inflicted immediately after the commission of the offence would be?—I think not; I think that corporal punishment,

Captain J. M. Gambier.

13 March 1863.

provided it was a severe one, that is, that the proper number of lashes was inflicted, would have a very good effect; but with a vast number of the men I do not believe that bodily pain has the same effect, or has the same deterring effect as solitary confinement on bread and water for a long period.

4052. Do you not think that corporal punishment, if inflicted immediately after the commission of an offence of the kind referred to, would have a very useful effect?—Upon certain of the men it would not; upon the majority it would.

4053. You have stated that you were restricted to a certain number of lashes; when was that restriction adopted?—I am restricted to two dozen lashes; a letter from the Home Office was written on the subject. We said that we did not think it signified whether it was 36 or 24 lashes. I have always thought that 36 was so very small a number to inflict upon a criminal, that I have scarcely, whenever I could possibly avoid it, ordered that punishment.

4054. I believe by the Mutiny Act 50 lashes can be inflicted upon a soldier?—Yes.

4055. Do you see any reason why a smaller number should be inflicted upon a convict who has assaulted his warder?—No, I do not indeed.

4056. Has not a less severe instrument of punishment been lately used?—Yes; formerly when we had all the convicts in the hulks we used to have the naval cat; that went on for a certain number of years until we assimilated the cat to the army cat; but then they have got men in the army who understand how to wield this cat, and our men really do not.

4057. (*Mr. Waddington.*) At what date was the change made in the cat, and a limit put upon the number of lashes?—The alteration in the cat was made on the 5th May 1862, and a reduction in the number of lashes on the 5th of April 1862. There was no letter from the Home Office about the cat; that was our own doing; we endeavoured to obtain the same cat as was used in the army, and Sir Thomas Troubridge sent down a sealed pattern of the one that was used in the army.

4058. (*Lord Naas.*) Do you consider 24 lashes inflicted by that instrument a severe punishment?—I really have not had any experience, for the different governors have begged me not to let it be used, so that it should not get abroad among the convicts that it was so slight a punishment.

4059. Dr. Guy has stated that he has never known an instance of blood being drawn in the case of corporal punishment being inflicted in the convict prisons?—I have.

4060. You would not go to that extent?—I do not know—why not?

4061. You think that blood has been drawn?—I know it, because I have seen it when I have been governor.

4062. (*Chairman.*) You see no objection in cases of violence in a convict prison to giving a convict four dozen lashes with the naval cat, and which are inflicted sometimes upon sailors?—None whatever; that is, in fact, what I administered at the Portland outbreak, to the extent of 36 lashes.

4063. (*Lord Naas.*) Do you think if that description of corporal punishment were administered to the men they would fear it much?—I think they would. At the time of the Portland outbreak, when I had to go down, I had to flog, I think, 33 men, and I borrowed from a man-of-war that was stationed there the naval cat, and I got some of the boatswains to inflict the punishment, for which I paid them 5*s.* each, and the men themselves, when they came out of the yard, after being flogged, came up to me, and one of them touched his hat respectfully and said that

he had not had such a back warming in all his life. They were perfectly civil.

4064. Was that a totally different sort of punishment from what you usually administer?—Yes.

4065. (*Mr. Waddington.*) With that cat you thought the difference between 24 lashes and 36 was not worth contending about?—I did not. I made no objection. I allude to the present cat.

4066. The letter which has been read referred to some change that was made in the county prisons. Do you know anything about that?—I only knew it from Major Fulford, the governor of Stafford prison, who told me that the number had been reduced to 24 lashes. I think that was two or three years ago, and that is all I know about it.

4067. (*Mr. Henley.*) Can you at all state the number of assaults committed on officers which have been committed in the convict prisons in the last two or three years?—

4068. (*Lord Cranworth.*) You have stated that there are some persons who are more deterred by flogging, and others who are more deterred by bread and water?—Yes.

4069. Do you see any objection to punishing in both ways; to flog a man, and then subject him to the bread and water diet afterwards?—I cannot inflict two punishments for one offence.

4070. But suppose you could?—Then I think it would be a very effectual course.

4071. Is there any class of convicts that would not be very much deterred by a severe flogging with the naval cat and the penal diet afterwards?—Every man would, I think, be horrified.

4072. (*Mr. Henley.*) Do you see any objection to giving the governors of these large prisons the power of inflicting corporal punishment in a case of violence committed by a prisoner?—Do you mean that it should be inflicted in the heat of the moment?

4073. No; say the next day.—I should see no great objection then. Of course, at present, the director can only order it to be inflicted, and then only after taking all the evidence upon oath.

4074. In the case of any disposition to violence or mutiny, do you think that a punishment immediately following the offence, or the next day, would be more efficacious than if a delay of a few days took place until the director came down?—Certainly it would; but I think it would require great care, caution, and forbearance on the part of the governor.

4075. (*Mr. Waddington.*) In the army they do not inflict a flogging at once?—No; there is always a court-martial to try a man. I have known cases in which they have had drumhead courts-martial on the spot, but that has been very rare.

4076. I believe flogging in the army is administered generally some days after the offence?—Yes.

4077. (*Mr. Henley.*) Do you think that the same consideration with regard to punishing a man in the position of a convict prisoner is so necessary as it is with regard to a seaman or a soldier?—I do not think so, but our great object in all our administration of the law is to endeavour not to brutalize the men more than we can possibly avoid, for if you bear in mind that probably a man has to come back again into society, although we cannot hope to reform a criminal, still we may hope to send him back into the world less brutalized than he was, and more fit to associate with his fellow beings. I think that if you flog men much you brutalize them.

4078. I do not ask you whether you flog them much or little, but why should it brutalize a man more, assuming the punishment to be

Captain J M. Gambier.

13 March 1863.

light, if inflicted upon the criminal by the governor of the prison within 24 hours after the outbreak or act of violence, than if it was administered three days after by order of the director of the prison ?—I mean simply that the governor should not do it in the heat of the moment.

4079. In 24 hours the heat of the moment would have passed away ?—Yes.

4080. In these cases of violence committed in the prison, do you not think, assuming the passion of the moment to have passed away, that the quicker the punishment was inflicted the more efficacious it would be in stopping outbreaks ?—Yes, I think it would ; but I hardly know what you mean by outbreak, because that is a very rare thing ; a common assault upon an officer is not an outbreak.

4081. I will take the case of a common assault, a man committing an act of violence upon an officer ; do you or not think, assuming flogging to be the just punishment, that if it were inflicted the next day after the offence was committed it would have more effect than if it were delayed for two or three days ?—Yes, I do.

4082. You think the sooner that it was inflicted the better ?—Yes, I do ; but I hope I may guard myself in saying that I may not be understood to be an advocate for flogging.

4083. Assuming flogging to be the punishment that would be inflicted after an investigation by the director of the prison, you think that the punishment would have more effect if administered promptly by the order of the governor ?—Undoubtedly.

4084. Do you see any objection, considering the rank and station of the governors of these large prisons, to entrusting the power of investigating cases of violence on oath, and with the same formalities that you observe as director to the prison ?—I do not.

4085. (*Mr. Waddington.*) You say that you see no objection ?—Yes. They are of the same station in life as myself, and in the same profession as myself, and I apprehend that they are equally fit to do what I do.

4086. You are aware probably that the law does not give that power to the governors of county gaols ?—Yes, I am aware of that, until they can call in a visiting magistrate to inquire into the cases.

4087. Therefore the rules observed at Portland have been in conformity with the general rules of law ?—Yes.

4088. (*Sir J. Pakington.*) Although the class of criminals at Portland is of quite a different character.—Yes.

4089. (*Mr. Henley.*) The convict establishments are infinitely larger than the county prisons ?—Infinitely larger.

4090. You cannot, I suppose, give an opinion as to how much more readily visiting magistrates are called in to the county prisons than the directors of convict prisons can be ?—It naturally must be so. I have 5,300 of these men under my charge in separate prisons, stationed in Dorsetshire, Devonshire, Hampshire, and the county of Surrey and Kent.

4091. It may be well, considering the extent of your official duties, that some days must elapse after receiving notice, before you could go to investigate any case that might occur ?—Some days must elapse, and sometimes a fortnight.

4092. (*Mr. Waddington.*) I suppose Captain O'Brien or Sir Joshua Jebb could go on an emergency ?—Yes, they have, of course, exactly the same power.

4093. (*Mr. Henley.*) But, in point of fact, from the nature of your duties, when these assaults take place a considerable time must elapse

before you could go to investigate the case?—Generally speaking it must be so—a considerable time.

4094. What do you mean by the words "considerable time?"—A fortnight, or perhaps even three weeks, if it happened that such cases occurred in two prisons at once. For instance, at Dartmoor, where many of these assaults occur, my last visit was made about a fortnight ago, I then had to investigate nine cases of assaults upon officers, and I punished them all most severely as they happened to be medically fit. I could not inflict corporal punishment, as the men were not, if I remember correctly, physically fit to undergo it, but I sentenced them to long periods of bread and water, subject to the daily approval of the medical officer if they could endure it from day to day, and then the Indian meal diet; and before I can get back to the office in London there may be sent one or two other reports from the same prison for the same offences, and I could not, of course, go down again immediately.

4095. Assuming that an assault was committed in Dartmoor prison, upon an officer, 14 or 21 days would elapse before you could go down; what would become of a man during that period of time?—He would be in a separate cell on the ordinary prison diet. My order is: "This "prisoner will remain in a separate cell, on the ordinary prison diet, "until my next visit."

4096. He would then be, as it were, waiting for trial?—Yes, but it is not of so much consequence at Dartmoor, for in all human probability a man is physically incapable of receiving corporal punishment.

4097. A man during those 21 days would remain at Dartmoor or Portland in his cell upon the ordinary prison diet, as it were, awaiting his trial?—Yes, I endeavour to shorten the period as much as I can, and I am, generally speaking, travelling nearly every week in the year.

4098. If it should so happen, when you come to investigate a case, that a man is not found guilty, does he then go to his ordinary avocations, whatever they may be?—Yes, but I rarely find an instance of a man not being guilty. All the evidence, when a report is made, is written down, and that is sent up to me at my office in London. I then carefully go through the evidence, and I carefully go through the character of the prisoner, I can pretty well judge in my own mind whether the man is guilty or not, if I think there is any doubt about it, I give him the benefit of it. I hold in my hand a report which came up by post to-day from Dartmoor, and that will show the Commissioners how I deal with these cases.

4099. (*Chairman.*) Will you be good enough to read that report?—"Dartmoor prison, 12th March 1863. Sir,—I have the honour to "report the prisoner named in the margin for refusing to close his cell "door when ordered by warder Simpson, and for threatening that "officer in the words of the statement enclosed. His general conduct "is very indifferent, and should you consider the amount of punish-"ment within my power to award sufficient for his offence, I would "request your authority for also placing him in the cross irons and "parti-coloured dress, and will submit his name on your next visit for "a special forfeiture of remission of sentence." They inclose me the particulars.

4100. (*Mr. Waddington.*) Is the offender in that case one of the imbecile class?—No, he is not. There is the evidence of the officers, and there is a medical certificate. This man happened to be fit for every kind of punishment.

4101. (*Chairman.*) I find that the man was sentenced for four years, and that he had been previously convicted three times for felony?—It does not say that he was under penal servitude.

Captain J. M. Gambier.

13 March 1863.

4102. No, but he had been convicted three times for felony ?—Yes.

4103. (*Mr. Henley.*) If I understood you rightly, you stated that in no instance have you found reason to acquit a man when you came to investigate the circumstances of the case ?—Hardly. I do not think that in the whole of my career I have found above three or four cases of that kind.

4104. That would be, so far as it goes, a reason why a power to inflict punishment might be intrusted to the governors who make these reports to you ?—Yes, because it shows the great care they have taken in investigating these matters before they report them.

4105. Do you think that they could be safely intrusted with a discretion as to the amount of punishment to be inflicted ?—I think they could. I do not think that they ought to have the power to order an unlimited amount of bread and water.

4106. According to your long experience, the governors have been trustworthy with regard to the guilt or innocence of an offender ; the only question that would remain would be as to their exercising a discretion in awarding the amount of punishment ?—Yes, they used to have the power of awarding seven days bread and water, but that was reduced, during the time when Sir George Grey was Secretary of State, to three days ; this was in May 1857.

4107. (*Mr. Waddington.*) Was that on the recommendation of Sir Joshua Jebb ?—I think not.

4108. (*Mr. Henley.*) The punishment which is to be inflicted upon a prisoner after the reports were made to you by the several governors of the prisons, is settled by you without hearing the prisoner ?—No, I always give him every opportunity for making his defence, and it is all written down by me, but, generally speaking, or in nine cases out of 10, a man makes no defence at all, he says that he has nothing to say about it.

4109. But that is not a case in which you go down and hear the case, is it ?—I never punish without going down to the prison.

4110. I am speaking of such a case as that which has been just read to us, in which the governor of the prison asks your permission to do certain things, those certain things being an extension of the power which he possesses without your authority ?—It is whether I will sanction his inflicting such a measure of punishment as the rules authorize him to inflict, or whether I think it so grave a case that I must make it wait for my investigation. If I do permit him to do it, the man will be put temporarily in cross irons until my next visit, when I shall confirm it, or desire the man to be released from them.

4111. Could the governor place him in those cross irons without your authority ?—No.

4112. Then, in point of fact, you would give him that authority without hearing the prisoner ?—No, I should not ; I should say, " This man ' will remain in a separate cell on the usual diet until my next visit."

4113. He asks you to give him authority which you will decline to give him ?—Yes, I do not consider that the punishment he could mete out of bread and water for three days would be sufficient for such an offence as that ; I see by the medical certificate that the man is capable of undergoing all the four punishments—either confinement in Millbank prison, corporal punishment, bread and water, or confinement in a cell on reduced diet, and also bread and water and leg irons.

4114. Upon a report of that sort being sent up to you, any further punishment that you thought it necessary to inflict upon the man, beyond that which the governor of the prison had power to inflict, would not be inflicted until you had an opportunity of going down and hearing the case ?—Certainly not, except as stated before.

4115. (*Mr. Russell Gurney.*) You have stated that these men almost always confess their guilt. I do not find it to be the case according to this book. I have looked at six or seven cases, and in every one of them the prisoner denies the truth of the charge ?—Those are governor's cases which you have been looking at, and which the governor has disposed of; I have been alluding to the graver cases which come before me.

4116. (*Chairman.*) You have no power, I believe, by law to extend the punishment of a prisoner beyond the period of the original sentence, under any circumstances ?—None whatever.

4117. Even for the most violent assault you cannot extend his punishment beyond the original sentence ?—Not for a day; but it becomes my duty to bring the matter before the chairman, who thereupon reports the matter to the Home Office. Instructions are given by the Home Office, if they think fit, that that man shall be taken before a magistrate, to be committed to the county prison and to take his trial.

4118. Do you think, with regard to these offences, it is desirable that a man should be brought summarily before a county magistrate upon being convicted of violence to his officer, and be liable to an extension of his original sentence ?—No, I do not.

4119. You are aware, no doubt, that that is the system pursued in the colonies; that there is a summary power to take these men before a magistrate, and to have their sentences prolonged for any offences of this description ?—Yes, I am aware that it is so; but I do not think that it would be very desirable in this country.

4120. You have stated that these assaults upon warders are somewhat common in these prisons ?—Yes, in the invalid prisons, and sometimes it takes fits and starts in the public works prisons; but at Chatham prison, ever since the outbreak which took place two years ago, I do not think there has been one single report of a prisoner, or not above one or two, of prisoners assaulting their officers. This will also go on at Portsmouth and at Portland for months and months together, and then there will be a sort of epidemic, and such cases will then occur five or six or seven at once.

4121. Does not that sort of epidemic violence rather tend to show that the means of repressing it by punishment are hardly sufficiently severe, or sufficiently prompt ?—There are men of all tempers and classes that are mixed together in these parties, and it just depends upon a man's passion and anger at the moment; they will sometimes break out. No doubt if the governor had the power of inflicting summary punishment it might have a good effect, but the power would have to be most carefully exercised.

4122. Is it not probable with offences of this description that there may be some fear on the part of the warders, and that they do not efficiently perform their duty ?—I do not think there is any warder who is afraid of performing his duty, and I believe that he performs it most faithfully and conscientiously, and I may say bravely.

4123. Do you remember the circumstances of the case which lately occurred in which an attempt to murder an officer was made at Portsmouth ?—Yes, I do.

4124. Did it not appear in those proceedings that the other warders were completely cowed and afraid to interfere ?—I happened to be there the very day when it occurred; I came to the prison directly afterwards. Sir Richard Mayne was also in the dockyard with Admiral Grey, the admiral superintendent, both of whom I saw in the prison the same day. It did not appear to me when I investigated that case that the assistant warder did show fear; the officer himself who had been assaulted

Captain J. M. Gambier.

13 March 1863.

was rendered powerless at once. I do not think, perhaps, the assistant warder showed that agility he ought to have done, but the civil guard O'Neil came up at once to the rescue, and he behaved in the most gallant manner.

4125. Did it not appear that other convicts threatened the warder who was there before O'Neil came up ?—The other convicts did not exactly threaten, but they showed symptoms as if they would assist their comrade, and for that reason we forfeited the whole of the remissions of every man forming that gang.

4126. Were there not two or three warders present ?—No, only one ; a second one came in, the assistant warder ; it occurred in the chain stores, or rather adjoining to the chain stores, where they cut up the junk and the oakum, therefore they were under cover, and it was not necessary to have more than one warder to prevent escapes.

4127. In all our prisons for public works I believe the arrangement is that a very considerable number of prisoners are confined together, that there is one large hall with cells all fit to accommodate a large number of prisoners ?—Yes; at Chatham they are all under one building in the shape of the letter T, the whole of the 1,100.

4128. But the doors of the separate cells being open, the whole of the 1,100 men can be together ?—Yes, but they are never opened unless they are coming out to go to work.

4129. Did not this happen at the time of the outbreak at Chatham, that the convicts closed the doors, so that the well-conducted men could not get into their cells when they were ordered to go there ?—That was so, but the reason was the men had all left their cells for the parade ground, and consequently they had left their cells door open ; they had left the prison and were on the parade ground, and when they were ordered to march back from the parade ground, they did obey the order and went into the prison, and then certain of the evil-disposed men ran round the galleries and shut to the doors.

4130. Is not the effect of the present arrangement this—that at certain times, for instance, when they march in and out to their work, the whole body of the convicts is collected together ?—Exactly so.

4131. Does not that make it much more difficult to manage them than if they were broken up into small parties ?—Am I to understand by that that the prison, which is in the form of the letter T, should be made into three separate prisons, so that only 370 could get together if they chose?

4132. Precisely.—I do think so.

4133. Sir Walter Crofton has stated that he considers it a great advantage in a prison to break up the prisoners into comparatively small parties, so that they cannot communicate with each other ?—Yes, I think so too.

4134. He stated that that enabled him to put the idle men together, and those whom you call incorrigibles, and that that contributed to the discipline of the whole establishment ?—That is the case in our public works prisons except Chatham; at Portland it is so, at Dartmoor it is so, and at Woking and at Portsmouth it is so ; Chatham is the latest built prison where they are all together.

4135. At Portland there are not, I believe, more than one or two large halls ?—Yes, there are four large halls.

4136. How many men does each of those halls hold ?—About 350 men.

4137. You cannot make smaller parties than parties of 350 ?—No, if the prison is full.

4138. At Dartmoor, where there are these incorrigibles, how large are the classes that have been separated ?—As to those who can be in

separate cells the cells are built back to back, so that there are about 245 in one prison, and 330 in another one.

4139. Are those men, when they go out to work, all together?—Yes, on the parade ground; they all form on the parade ground, and at all the prisons they are together, each man knows his own party, and goes and falls in; they are marched off party after party, like a company of soldiers.

4140. Would it not contribute to the greater safety of the establishment and better discipline if the men were placed in a situation in which never more than 50 or 60 should be brought together?—I can hardly see how we could ever carry it out with our enormous numbers, if it were so in these large prisons, the reason why they were built so large was, at that time there were three periods of carrying out the prisoners' sentences, first, in separate confinement, second, on public works at home, and the third period was in the colonies; otherwise, I apprehend the very large prisons would never have been constructed, if it was supposed the two last periods would have to be carried out in one prison.

4141. Do you think under the present system it would be an improvement, if it could be so arranged, if the prisoners were divided into smaller classes, who should never have an opportunity of communicating with each other?—Into a party of 400 or 500, not smaller than that.

4142. You would not go so low as 100?—No; I do not think we could obtain the labour out of them that would answer for the public works if they were in such small parties. If the Commissioners were to see the quarries and the Verne works at Portland, where the prisoners are employed, I think they would see that it was impossible the men could be so employed in small parties away from each other. You would be obliged to have them in different parties in the country.

4143. You might have one or two small classes composed of the worst men, for whom arrangements could be made to employ them separated from the others?—That you might certainly do. I think one of the defects of our public works prisons is this, that we have not the means in each of the prisons of punishing these incorrigible men at the prison; we are obliged to send them back from Portland to Millbank for nine months to undergo separate confinement with penal diet. I think there ought to be in every one of the prisons the means of immediately punishing any refractory inmate of that prison at the prison itself.

4144. There ought to be a sufficient number of cells for separate confinement, so that you might order a man who had been guilty of great misconduct into separate confinement on the spot?—Yes. It is a well-known fact a very large proportion of these men commit these offences for the purpose of compelling me to move them away, and entirely from a love of change; whereas, if I could punish these men on the spot, and give them a certain number of months of separate confinement in their own prison, there would be far fewer offences committed.

4145. When Portland was first established it was intended, I believe, that there should be a sufficient number of separate cells for that purpose?—Yes, it was, I believe, but was never carried out, and there are not above 30 separate cells there.

4146. (*Mr. Waddington.*) Is there not still more severe punishment than sending them back to Millbank to the penal class for separate confinement?—Yes. With regard to all those men who are brought

Captain J. M. Gambier.

13 March 1863.

before me on the public works for grave and heinous offences, if I think the punishment I can give them there is not sufficient, I order them heavy punishment—bread and water on the spot, and forfeit all their remission of the sentence, and all their gratuities. I then submit to the chairman the propriety of the man being moved back to Millbank or to Pentonville prison in the more penal class.

4147. You do not do this upon your own authority, but you submit the matter to Sir Joshua Jebb?—Yes, and I give him my reasons. If he approves a warrant is applied for from the Home Office.

4148. Sir Joshua Jebb is obliged to apply to the Secretary of State?—Yes, for the warrant.

4149. In your opinion is that considered by the convicts to be the most severe punishment you can inflict?—By a certain class it is; but it is not so by another class, who will commit offences in order to get removed. Some men will do anything for the sake of a change.

4150. How long are they usually kept in the penal class after these removals take place?—I believe that the arrangement which has for some time been in force is that a man can get off the penal class diet after three months; but he must be in the first stage of the penal class at Millbank for three months, then three months in the second stage; after which, if his conduct warrants it, he is subject to the ordinary discipline of the prison for the remaining three months.

4151. Is he always sent back to some of the public works?—Yes, and it is with regard to those men whom I mentioned before, for whom it is so desirable that there should be some prison to which they should go, and not come back to contaminate the rest of the convicts, for they do make them worse than they otherwise would be.

4152. You think that the great *desideratum* is a separate prison for the worst class of offenders, upon whom the ordinary prison punishment has no effect?—Yes, and for those men who are constantly recommitted, and guilty of crimes of violence.

4153. You have observed the effect of this diet now for many years, what is your opinion as to whether it is excessive or not?—I do not think the ordinary prison diet is excessive; but I think, considering the prisoners have a hope of a remission of their sentence, that the different varieties of diet in the different stages of their confinement are not necessary. I think they might be done away with, and the amount of the gratuities in the second and third stage lessened by one-half.

4154. Be good enough to explain that a little more fully. Do you speak of separate confinement?—I am speaking of the public works. I think the ordinary prison diet is sufficient for all men, for unfortunately the majority of the sentences are so short. I do not think a variety of diet is therefore required.

4155. You refer, I presume, to the improvement which takes place in the diet as the men get into a higher class?—Yes; a conversation occurred between the late Dr. Baly, who was a most practical man, and was the medical superintendent of Millbank prison for many years, and Capt. Bramly, the governor of Millbank, and I remember that after the prisoners concerned in the outbreak at Portland were removed to Millbank, Dr. Baly examined and I believe re-weighed the men, and they were found to be in a poorer condition as compared with what they where when they left Millbank for Portland, he having selected them himself; he then remarked to the governor that he was only confirmed in what had been his previous conviction, that their diet was no more than a sufficiency. He had been several times consulted by Sir Joshua Jebb on the arrangement of the public works diet. I believe that Dr. Baly was allowed to be one of the ablest and most

practical men, so far as dealing with convicts went, that we have ever had.

4156. And a man of very great experience?—A man of very great experience.

4157. You think that the improvements in diet which are made as an encouragement to good conduct on the part of the convicts might be dispensed with?—Yes, because their sentences are so very short.

4158. Have you considered the question whether in these short sentences any remission at all is desirable?—I think that if you shut the door to hope it wouldbe a very great mistake. I think that we might not give so large a remission as at present; for instance, if a three years' man instead of getting six months' remission got three months, and could go free without a ticket of leave, he would be in a better position than he otherwise would be with a longer remission and a ticket of leave.

4159. You remember, I have no doubt, the period between 1853 and 1857, when the men who were sentenced to penal servitude had, as a general rule, no remission?—Yes.

4160. How did those men conduct themselves in prison?—Not at all satisfactorily; they were not so well conducted as I think they have been since 1857, and that really was the cause of the outbreak in 1858 at Portland prison. The men themselves said, "We have no "fault to find, sir, with you or with any of the authorities of the prison, "but we conceive ourselves to be hardly used." There were three classes of prisoners at that time in Portland prison, the old transportation men who had been sentenced previously to the passing of the Act of 1853, and there were the 1853 Act men, and also the 1857 Act men. These latter were then beginning to come in, so that we had three classes of men in every prison.

4161. Did any discontent appear until the 1857 Act men came in who were to have a remission of their sentences?—None.

4162. When they came into the prison the old convicts heard that those men who were under the same sentences were to have a considerable remission of those sentences, and they became discontented?—The 1853 men did, and what made it still worse was this, there was a certain number of prisoners in all our prisons who had been sentenced by Mr. Recorder Hill under the impression that they were to have a certain remission under the Act of 1853, or he said that he never would have given such heavy sentences. The consequence was that after a time these very men, that is the 1853 Act men, were discharged, for whom Mr. Recorder Hill had made representations to the Home Office, and it rendered the other men desperate, for they saw that some of their own men, under the Act of 1853, were getting away after 16 months and two years, whereas they had to go through the whole of their time, and that was the cause of the outbreak at Portland prison, and no other; there was no act of violence committed during the whole time.

4163. That outbreak had nothing to do with the general discipline?—No; the men said they had no complaint to make, that they were treated with justice, and the only thing they felt was they were very unfairly treated by the law, that they had not the same privileges as all the other classes had.

4164. Between the years 1853 and 1857, before the law was altered, was there any difficulty in working the discipline?—There was the greatest possible difficulty in working it, because we had nothing to hold out to the men—they had no hopes. They knew if they were ever so well conducted they would have to serve out the whole of their

Captain J. M. Gambier.

13 March 1863.

time, and that was the real reason why those different alterations in the diet were made, in order to make a sort of compensation to them, because they had no hope, even by good conduct, to shorten their time.

4165. Were there many prison offences committed during those years?—I think there were, certainly.

4166. Were there more assaults committed upon warders?—No, I do not think there were more prison offences; the men were more sulky, and did not go to their work in that independent way they were accustomed to go, and they did not work as they have since done.

4167. You think that the hope of remission, and the probability that if they do not work with a good will the remission will be shortened, has a good effect upon them?—Yes, a most admirable effect. If that was done away with, I am afraid that one of the most difficult tasks would be to manage a large body of convicts at all, particularly if the discipline was to be made much more penal, such as depriving the men the privilege of seeing their friends and of writing letters. I have known that occasionally to be the greatest power in my hands, far greater than any other punishment I could inflict. I have known many cases, both as governor and director, when prisoners have been brought before me I have tried every way with them, but I have produced no effect upon their stubbornness. I have said to them, "When you are reduced to the "third class, do you know what that means?" It would prevent them from being able to write or receive letters for so many months, or to see their wives or children. I have said to them, "What do you "think your wife and children will think?" And I have seen those men turn quite pale; it always brings tears into their eyes, and they go away and rarely come before me again. Where nothing else that I could do would work upon a man, I have found that answer.

4168. Were those convicts of the worst class?—Many of them were convicts of the worst class.

4169. You would be entirely opposed to putting a stop to this privilege in the ordinary course of things, but threaten to withhold it in cases of serious misconduct?—Entirely so.

4170. With reference to the gratuities, can you give the Commission an account of the number of the convicts to whom the second payment has been refused in consequence of their not being able to produce testimonials of good conduct?—No, I cannot.

See App. No. 3. L.

4171. There is no alteration that you would propose in the diet, and nothing except curtailing the little indulgences to which you have referred?—No, except reducing the gratuities in the second and third stage.

4172. Is there any alteration that you would suggest with respect to the number of services performed in the chapel?—I think that daily evening chapel service is most objectionable, and I know every single chaplain in the convict service agrees with me, save one.

4173. What is the objection to it?—Both the men and officers come in tired and wearied after a long day's work, and then they have to clean themselves and get ready to go to chapel; they do that with anything but a good grace; they do not like it, and it does not do any good.

4174. Have you reason to believe that the officers are overworked, and that a larger number of them is required?—I think the officers are very much overworked, for their work is on an average 15 hours a day. I am speaking of all the convict prisons now, and of all the officers. Even upon a Sunday the assistant warders do not get above one Sunday out of three or four Sundays to themselves.

4175. A good many of them, I believe, are married and live in cottages near the prison ?—Yes, the cottages are rented from the Government.

4176. What addition to the staff of each prison do you think would be sufficient ?—I think the number should be raised to, perhaps, 11 per cent.

4177. About two more warders to every 100 men would be sufficient ?—Yes, that would do it, unless the discipline is to be made very much more penal, and then a larger staff would be required.

4178. If the discipline were made of a very rigid and penal description there would be more danger of an outbreak and a much larger staff would be required ?—A very much larger staff, and I doubt whether you would be able to assemble such large bodies of men in one prison as you can now.

4179. If the sentences were made considerably longer, would not that make it impossible for you to take the same number of convicts into your present prisons ?—Yes.

4180. Suppose the same number of persons to be sentenced to much longer terms of penal servitude, would not that make an increase in the number of your prisons absolutely necessary ?—I think it would.

4181. At present the prisons are pretty nearly full ?—Yes, always, except at Dartmoor for the reasons I have already stated.

4182. (*Lord Naas.*) You have, I believe, already stated that the work at Portsmouth is surveyed by an officer of the convict service in conjunction with an Admiralty officer?—Yes.*

4183. What course is pursued at Chatham ?—The inspection is the same.

4184. Is there any check upon that survey or inspection ?—No ; except that the Admiralty have their own trustworthy man who is appointed to be their foreman of works.*

4185. As director of the convict service you do not attempt to check the surveys that are made in any way ?—I could not do it. I have not the necessary means, or the knowledge.

4186. You are obliged to take the valuation which is set upon the work by those two officers ?—Yes, and the whole of it is returned to us in the governors' different annual reports, and the class of men who fill the office of governor would never put their names to those returns unless they had thoroughly satisfied themselves as to their correctness.

4187. I observe that a good deal of the value at Chatham is estimated by taskwork, and a great deal by daywork, for instance, " cleaning shot and shell, &c.? "—That is merely on the gun wharf.

4188. Then in the Admiralty department " Removing coals so much " a ton ;" " discharging mud " so much a ton ; " employed as masons, " 21,779½ days of 10 hours per day, 2*s.* 9*d.*" Why cannot the masons' work be measured by the quantity that is done ?—It might very easily be done, but I am afraid that it would be a very difficult matter if you were to have partly taskwork and partly measured work.

4189. But it is so ?—Yes, but if you were to make any benefit to the convict to accrue from that———

4190. Of course you will admit that taskwork affords a more accurate measurement of a man's labour than daywork ?— Undoubtedly.

4191. Why is it that so many of these operations that can be measured by taskwork are not so measured, but are measured by day work ?—I am not able to answer that question.

---

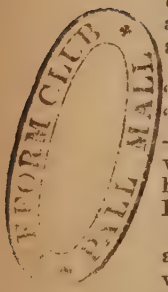
* See correction of these statements in Capt. Gambier's letter, at the end of his evidence.

Captain J. M. Gambier.

13 March 1863.

4192. "Employed as shoemakers,"—I observe that there are 1,127 days put down at 10 hours a day—why could not that be calculated by the number of shoes that were made?—Those men are not tradesmen, the shoemakers are not.

4193. But I suppose they make a certain number of shoes?—They only repair them. They make no clothes whatever at any of the public works prisons except at Dartmoor, where the invalids do make their own, but all the clothes for convicts are made in Millbank prison and at Pentonville. We merely keep a few men to repair boots and shoes and other clothing, but there is nothing new made.



4194. At St. Mary's Island I observe that the work is "making "embankment and river wall, digging, removing, and puddling clay, "and pile drawing, &c;" that, I suppose, is ordinary labourer's work?—Yes, but it is very heavy work. I think it is perhaps the heaviest work our convicts have now to undergo at Chatham prison, it is heavier than at any other convict prison; it is far heavier than the Portland work, I mean as to the severity of the labour.

4195. I observe that the labour is put down at St. Mary's Island at 3*s*. 6*d*. a day, and it forms one of the largest items in the whole of the value of labour done at Chatham?—Yes, because it is very valuable labour they are performing upon the sea wall and in driving piles.

4196. What would be the wages of a navvy for the same work at St. Mary's Island?—I should think more than 3*s*. 6*d*. a day, as he would be a skilled workman and would be able to execute more labour than perhaps our convict men could, unless we happen to have some men belonging to that very class.

4197. Do you think that you would have to give an ordinary labourer more than 3*s*. 6*d*. a day for doing similar work at St. Mary's Island?—For what the men do at St. Mary's Island, I do think we should.

4198. Therefore you set a higher value upon the labour which is performed at St. Mary's Island than you do upon the labour of the men who are employed as masons?—Certainly. I know that there are but few who are employed as masons now.

4199. I conclude that you would be in favour of valuing the work as much as possible by task, and as little as possible by day?—Yes.

4200. Are you in favour of the system of gratuities to the warders?—I am not.

4201. I believe that system is generally in the public works prisons?—It is, but I do not think it is a very good system to pay a man extra for doing that which he has engaged to do. If his pay is not sufficient, and I do not think it is, then increase his pay. I think that they are all underpaid.

4202. You would rather increase their weekly pay than make their salaries dependent upon the reports that were made of their men?—Yes.

4203. Do you think that the system could be altered with advantage to the service?—I think so; but there are many whose opinions differ from mine on that point.

4204. As a general rule I believe the warders generally get pretty nearly the full amount of the gratuities to which they are entitled?—As a general rule they get the gradations of gratuities to which they are entitled—there are different gradations.

4205. But they get, do they not, the maximum allowance in both cases?—No, they get only a certain proportion, you cannot recommend every man for the higher gratuity, there is only a certain portion of them who can have it, for example, a man who has charge of a working party, he could be recommended for the highest gratuity, but the as-

sistant connected with him, and who was acting under his instructions with the men, would not be entitled to it.

4206. The general rule is, I presume, that they get as much as they are entitled to?—Yes, because they faithfully perform their duty.

4207. (*Lord Cranworth.*) Is there any reason why the gratuity should not be added to their annual pay?—I think it would be a very good thing if it was so, and I have always been of that opinion, but many do not agree with me.

4208. (*Sir J. Pakington.*) You stated in the early part of your evidence that you thought the work done by the convicts at Portsmouth was less satisfactory than that which was done at Portland and at Chatham?—Yes.

4209. Will you be so good as to give some further explanation of the difference between the two?—The reason is because it is dockyard work, there you see the men, or many of them, employed piling up timber, while others of them are harnessed to carts like horses dragging the carts about, that is a kind of work in which you cannot engage the the men's minds nor get them to take any interest in the work they are doing—they are more like beasts of burden dragging carts about. It is well known that at Portland and Chatham, and particularly at Portland, the men take the greatest possible interest in their work, and they work like cart horses. On the Verne works if, through any accident, there have been any wrong instructions given the officers find the greatest possible difficulty in getting the men to pull their work to pieces. At Portsmouth, on the contrary, the men are mixing amongst all the labourers and sailors while they are dragging cartloads of timber about, and doing other similar work; they are also employed in cleaning chain cables, and picking junk and oakum, but, as I said before, that is not work which engages the attention and the good-will of the man.

4210. What effect do you infer from the fact of one class of work being less interesting than another; do you mean to convey this impression to the Commission, that you consider the labour is less reformatory?—It is not only less reformatory, but it is less satisfactory in every point of view; I mean that it does not do the same good to the men themselves nor to the establishment.

4211. By good to the establishment, you refer to productive labour? Yes.

4212. By good to the men, you refer to the reformatory effect, and you think that the more interesting the work is the more likely that work is to be reformatory in its effect?—Yes; I had hoped when the commencement of the new docks in Portsmouth dockyard took place, where we were to have filled up to the number of 1,000 men, to have got the men employed on the dock work; that would have been most legitimate work for the convicts to perform, and the work would have been well done.

4213. With regard to the penal character of the work, which should you say was the most irksome to the individual, the work at Portsmouth or the work at the other prisons?—I think the work at Portsmouth is the most irksome.

4214. Is it the most penal?—I do not think the word "penal" is quite the right word. I think it is the most irksome; but I do not think therefore that it is the most penal.

4215. However much it may or may not in fact be the most penal, I presume, as no man can tell when sentenced whether he shall go to Chatham or to Portland, any deterring effects from its penal character are out of the question?—Yes, of course, and now that the Roman

Captain J. M. Gambier.

13 March 1863.

Catholic prisoners are assembled in Portsmouth prison, and they will form from 500 to 600 out of the whole 800, we shall have much difficulty in managing these men; for now they find that they can get moved into another prison by changing their religion, they change it constantly; it is a positive fact, and I do not know what to do, or how to meet the difficulty.

4216. I think it appeared from the evidence given by the governor of Chatham prison that the number of hours actually passed in labour there is between eight and nine hours?—Nine hours and a quarter.

4217. When you have deducted the time occupied in moving to and fro, the time actually occupied in labour is somewhere between eight and nine hours?—About eight hours and 45 minutes.

4218. You confirm the statement that was made with regard to Chatham prison?—Yes.

4219. What is the number of hours at Portsmouth?—Those men who work in the dockyard, may work perhaps a quarter of an hour or 20 minutes longer, but the men at Portsmouth who go to Southsea Common, or the men at Portsmouth who have to go across the harbour in boats to their labour at Haslar Hospital and to the victualling yard of course would have a still shorter time even than at Chatham, because it sometimes takes them a long time to get across the harbour at Portsmouth; these men pull themselves across in boats.

4220. Is it desirable, if possible, that the time devoted to actual labour should be increased?—I think it would be, if you could do it.

4221. The hours passed in actual labour by these men are not equal to the number of hours during which free labourers work?—Certainly not.

4222. Do you think that the time occupied in labour by the convicts should be more like the time during which free labourers are employed?—Yes, if possible.

4223. When you say that you disapprove of the system of having evening religious service, do you think that the time would be more advantageously employed if the men had an increased quantity of outdoor labour?—I do, but you could not do that in the dockyard.

4224. Why not?—Because you are at the mercy of the dockyard authorities as to when they leave off labour in the dockyards.

4225. Are the hours of labour in the dockyards so limited as to make it impossible on that account to increase the labour of the convicts?—It varies according to the seasons. We have to time the hours of labour during which our men are employed in the dockyards according to the hours that the dockyard labourers are working.

4226. That depends upon the time of year, does it not?—Yes.

4227. Does not that apply everywhere?—Not everywhere.

4228. They could not, of course, work in the dockyard at Chatham?—No, but we have so few men at work in the dockyard there now.

4229. With regard to Portsmouth, is it practicable, in your opinion, during at least a part of the year, to increase the hours of labour?—Certainly, but that would only apply to a portion of the year, and to a portion of the prisoners.

4230. When there was no such impediment you would rather that the convicts should pass their time in labour than pass their time in going to evening service?—Yes.

4231. You do not think that in a religious point of view they gain any equivalent for that loss of time?—I am certain that in a religious point of view it has a bad effect.

4232. Do you think that they attend evening service without due feelings of reverence?—Not only that, but the reverse.

4233. Who regulates the amount of labour to be done each day by the convicts at Portsmouth ?—The heads of the different departments, and perhaps the head of the boatswain's department, or the heads of the different departments in the dockyard. They give instructions either to our foreman of works or to the principal warders of districts what labour is to be performed.

4234. It is a matter of arrangement between the Government authorities and the prison authorities ?—Yes, there is never any disagreement on that point.

4235. I suppose the result is that practically there is very great difference in the sort of labour to which any individual convict may be applied from time to time ?—Only a certain class of men are sent over to Haslar who have served a great deal of their time, because the facilities for escape are very much more easy over the other side of the water than in the dockyard.

4236. With regard to Chatham, we have been informed that a very considerable number of the convicts who happen to be skilled in trades such as shoemakers or tailors, or any other class of skilled labour, in order to promote economy in the establishment, are set to work at their trades, instead of being set upon the general work of the prison, as the men are at Portsmouth ?—It is so far so that at Portsmouth there is a limited demand for that kind of labour. We require but very few men to be employed as tailors or shoemakers, and of course if we have any convicts who want to get that kind of employment, being of that trade, we employ them, provided they have no prison reports against them. A man must be an exemplary character to be allowed to be employed in the inside berths.

4237. I presume it is economical, with regard to the cost of the prison to the public, so to employ the convicts ?—Yes.

4238. Is it equally desirable with reference to the penal consequences of crime that a man who by the accident of early training is a tailor or shoemaker should derive a benefit from it irrespective of the crime he has committed ?—No ; but how are we to keep the prison clothing in repair ; it would be an enormous expense to the public if we never could repair the clothes or the boots and shoes.

4239. That, of course, must be paid for ; but looking to the interests of the public in checking crime, is it desirable, in your opinion, having had great experience, that irrespective of the crime a man has previously committed he should be put upon light labour of that sort with all the comforts of a warm cell rather than the hard labour which other convicts are undergoing ?—No, I do not think it is ; but I should mention that they are not in a cell—they are in a room together, which is not quite so comfortable as a cell.

4240. I was very much struck with an expression that you used—I am now referring for a moment to the subject of transportation—but I understood you to state that, in your official position, you are called upon from time to time by the Home Office to furnish a certain number of prisoners for transportation from each prison. Is that so ?—Yes ; that is to say, Sir Joshua Jebb, as chairman, receives instructions from the Home Office, that is after I have submitted the matter to Sir Joshua Jebb ; when I receive those instructions, I then obtain returns from the different prisons, and I submit a class of men to the chairman for his approval or otherwise, as to who should be selected to go to Australia, and the chairman writes to the Home Office saying there is this class of men for selection, stating what the different classes are, and we receive either the approval or otherwise of the Home Office.

4241. It appears then that I was right in the impression that your

Captain J. M. Gambier.

13 March 1863.

evidence conveyed to me as to the working of the present system, that irrespective of the men's crimes, and irrespective of the men's characters, from time to time a demand is made upon you for a certain number to go to Australia?—Yes; but not altogether irrespective of the crimes they have committed. I expressly stated that there were two or three crimes for which men were not selected.

4242. I meant with those exceptions?—Yes; and also men who have ever been known to have been in a lunatic asylum, or have ever shown any symptoms of insanity.

4243. I understood you to say that a demand from the Home Office is made upon you except in the cases of those particular crimes?—Yes.

4244. After such a demand for a certain number of convicts to go to Australia has been made upon you, the selection of those men depends upon you?—It depends upon me after I have received the authority to select the class of men that I have laid before the chairman, who also lays them before the Home Office.

4245. It comes to you to select the number required?—Yes.

4246. What is it that guides you in making that selection?—In the case of the last ship that went out to Western Australia, it was determined that a certain proportion of the men going out in that ship should be composed of re-convicted men, men who were licence holders, and who had 18 months and upwards of their sentences to serve, dating from the 1st of July next, the supposed period when the ship shall have arrived in the colony. Another portion of the men was to consist of re-convicted men, not licence holders, who had 18 months and upwards of their sentences to serve dating from next July, and then the remainder was to be made up of long-sentenced men, commencing from life downwards. After those selections were made, we received instructions from the Home Office that the life cases were not to go unless they had served the time laid down in the printed notices to convicts in this country. They had not gone through that time, and therefore they had to be taken out.

4247. (*Mr. Waddington.*) There were, I believe, some few who had?—Yes, 13, and they were men who had been to Bermuda.

4248. (*Sir J. Pakington.*) You select from all the prisons, but you are bound to take a certain number from each?—No, I am not. I might take them all from one, but we do not do that; we always give each prison its fair share, because the convicts look forward to it very much indeed.

4249. You give each prison its fair share, so making it still a question of number in every case?—Yes.

4250. You do that because the convicts look forward to it as a boon?—Yes.

4251. Have you not just stated that you select for this purpose the re-convicted men, and therefore the men of the worst character?—It does not always follow that re-convicted men are of the worst character; I mean the worst prison characters; many of those re-convicted men are not so.

4252. Looking not to the prison character, but rather to the previous life of the prisoner, is it not a very reasonable conclusion that a re-convicted man is a man of bad character?—It might be so supposed, but I have no instructions to select men of good character.

4253. Do you, in exercising this very important duty, look upon transportation as a boon?—I look upon transportation as a boon, as it is at present constituted.

4254. And still you apply it to those men who have been re-convicted?—Yes, I do.

4255. You would recommend a prison expressly for incorrigibles ?—Yes.

4256. You think that would be a good thing ?—Yes, a very good thing.

4257. I understood you to state that you had found great practical evils to result from the number of desperate characters who are to be found in each of these prisons ?—Yes.

4258. You spoke of them as constituting a considerable proportion ?—There is a very large number.

4259. Can you state to the Commission what proportion in each of the prisons you think would consist of these desperate men ?—I cannot tell off-hand.

4260. Would they form a large number ?—I think not. I think that the class of men whom I should like to see separated entirely from the other prisoners might amount to 300 or 400 altogether in the whole.

4261. What would be the per-centage in each prison of that number, —10 per cent. ?—No ; I think the number might be from 300 to 400 prisoners altogether.

4262. By way of approximation that would be about the proportion that you would couple with the opinion that you have expressed as to these desperate characters ?—Yes.

4263. In some part of your evidence you stated that you thought it was desirable that this class of persons so thrown into a prison for incorrigibles should be subjected to the most stringent penal discipline ?—Yes, I did.

4264. Will you give the Commission some idea of the sort of discipline which you think would be applicable to such a class ?—In the first place the diet should be, after being properly verified by the medical officer, one that would be anything but tasteful to the prisoners, indeed it should be as distasteful as possible, always bearing in mind the prisoners' health. Those prisoners should also have work to perform which would not be the kind of work the prisoners labour at on the public works, and I would not allow them to work together, but to work alone. I would not let them exercise together, and they should have no remission of sentence.

4265. You would make it a separate system ?—In a great measure, not altogether so ; the mischief that these men do is incalculable.

4266. To what extent would you deprive that class of the power of communicating with their friends out of doors ?—I would let them do what the rules now permit, when in separate confinement ; after they had been six months in prison, if their conduct was good, and they were obedient to the prison rules, I would allow them to see their friends, and to write letters, and so on, every three months afterwards.

4267. You would allow that privilege to this penal class ?—Yes, I would not deprive them of that privilege ; that is the last thing that I should think of depriving them of.

4268. You spoke a little time ago of the strong effect that was produced upon the feelings of prisoners by threatening to deprive them of the power of communicating with their wives and children. Is it not the fact that the married men who have either wives or children constitute a very small class of the criminals in England ?—I think a great number of the convicts are married men.

4269. Have you ever endeavoured to ascertain how that is ?—I cannot say that I have.

4270. Can you give the Commissioners any accurate notion referring

Captain J. M. Gambier.

13 March 1863.

only to those convicts under your own care, of the proportion of them that are married men?—No, I cannot.

4271. Do you believe that the proportion is one-fourth?—It would be entirely guess work, and I have really never thought of it.

4272. Am I to infer from your former evidence that you have found the bread and water diet to be a very deterring punishment?—Very much so, provided it is enforced for a given length of time. If you wish to punish a man really most severely, the way to do it is—although I have hardly ever done it—to sentence a man to three days' bread and water, and then to one day full diet; then three days bread and water again, then one day on full diet; then three days bread and water again, and that repeated.

4273. A man becomes annoyed, I presume?—Awfully.

4274. Have you ever tried that?—Yes, I have, once or twice.

4275. Have you found that a man feels the privation more under those circumstances than if he had continuously bread and water?—Yes. For the first three days he has a constant gnawing pain, but at the end of those three days the system has become inured to the diet, and the gnawing gets gradually less and less; whereas if you give him at the end of three days one day's full diet you restore the system, and then you pull it down again.

4276. Is not the infliction of the bread and water diet a punishment that is very much limited by medical considerations, I mean in point of time?—Not with able-bodied men. I never have sentenced a man to more than 14 days bread and water; but when I have ordered that the man has been every day visited once or twice by the medical officer, and the instant he thinks the punishment is telling hurtfully upon the man he reports it to the governor, who stops the punishment.

4277. I presume that the system that you have just spoken of, that of alternating the full day's diet with bread and water for three days, would not only have the effect of being highly penal, but would obviate any objection on medical grounds?—I have no doubt it would.

4278. Do you often find that medical men object on medical grounds to continuing the bread and water diet?—Not in the case of the able-bodied men.

4279. I am very desirous fully to understand your views as to the infliction of corporal punishment. If I followed you rightly you are of opinion that corporal punishment whenever inflicted ought to be inflicted with more severity than it is now?—Undoubtedly.

4280. You think that corporal punishment as now inflicted has very small deterring or penal effects?—None at all.

4281. You also think that the change which appears to have been somewhat suddenly made in 1862 was an injudicious change?—I do not think it signified whether it was 36 or 24 lashes.

4282. Did it not signify a good deal what the nature of the cat was?—Yes.

4283. Therefore these changes were in the wrong direction?—Yes.

4284. You think that there should be the power of inflicting the 50 lashes with the naval cat?—I do, if you flog at all.

4285. I understood you further to say that you are not at all, in general, favourable to corporal punishment?—I am not. My experience tells me it is not the most effectual way of punishing prisoners as a body. Of course there are men upon whom it has a very great effect. I had not flogged a man for a very long time until last week at Portland. I then had to try six or seven men for grave prison offences, and there were two upon whom I saw that even the reduced corporal punishment would have a very good effect, and I sentenced them to

24 lashes; but I believe those are the only men who have been flogged there for two years.

4286. I presume that the effect varies according to the constitution and condition of the men?—Yes.

4287. I infer from the evidence which you have given, that you would think it very unwise not to retain the power of inflicting corporal punishment?—Yes, you must retain the power.

4288. And to make it worth retaining, you must make it more severe?—Yes, if you do not retain the power you will have life taken.

4289. I infer also from the answers which you have given that, looking to the general character and position of the gentlemen who are placed at the head of these great convict establishments, you think that they ought to have the power of inflicting corporal punishment?—Yes, I think they may be so entrusted, for they are fully as capable of exercising that power as I am.

4290. Do you think there is any serious risk, if the power were entrusted to those officers, that they would inflict corporal punishment in the heat of the moment?—I do not think there is with the class of men that we have as governors in our prisons, but what I meant was, that it is so contrary to my own feelings with regard to what I think is the best way of dealing with the convicts; I am averse to such power being entrusted to them, not that I think they would improperly use it, but I do not like the fact of flogging the men, if I can possibly deal with them otherwise. I think that in 19 cases out of 20, I can deal much more severely with the men by giving them a different punishment instead of flogging them.

4291. Still you admit that the power to administer corporal punishment, must be retained?—Yes.

4292. And if retained, you think, I presume, that it is desirable to exercise it promptly?—Yes.

4293. And that such men as the governors of these prisons might be entrusted with that power?—Yes.

4294. If there were a temptation to inflict corporal punishment in the heat of the moment, would not the fact that all such punishments must be recorded, and a judgment be exercised upon them by a higher authority, be a sufficient guard, speaking generally, against an improper exercise of the power?—I think it would, for the governor must record every one of such instances in his journal, which journal I should always have to read on every visit that I made.

4295. It would be your duty to see that it was not improperly used?—Certainly.

4296. (*Lord Cranworth.*) What do you think would be the effect, if it were made part of the sentence, that a prisoner immediately on being received into a prison should undergo corporal punishment, not for any prison offence, but as a part of the sentence passed upon him when he was tried?—Does the question mean that the convict who has been tried for a particular offence, on coming to a public works prison, before committing any offence is to be flogged, or that he is to be flogged in a county prison, after he is convicted, or at Millbank.

4297. I mean that he should be flogged when he went to Millbank. What do you think would be the effect upon a prisoner, with reference to his chances of reformation, and the mode in which he was dealt with as a convict, if it was made part of his sentence that he should be flogged at the commencement?—I think if a man, when he was sentenced by a judge, were taken back to the prison he came from for trial, and was there flogged for any grave case of violence, it would

Captain J. M. Gambier.

13 March 1863.

have a most deterring effect upon the man; but, I think, if you are to wait until he is removed from a county prison when sentenced, then to go into a Government prison, and then and there be flogged, it would have a very bad effect indeed.

4298. You think that if corporal punishment formed part of the sentence, it ought to be inflicted before he is received into a Government prison?—Yes.

4299. You have spoken about the class you call incorrigibles, and you stated that you thought there ought to be a separate establishment for them; what would be the objection, if any, to having in each of the convict prisons a sort of incorrigible ward?—I think it must not be an incorrigible ward, it must be a separate building, so that they should never see their fellow-prisoners, either at chapel or elsewhere.

4300. If that was so, and if the whole number was between 300 and 400, such a separate building at Portland, Portsmouth, Chatham or the other places would be capable of containing not more than 50 or 60 or 70 prisoners?—Not so many at Portsmouth, you could not have it there.

4301. Would not that be a much more efficient mode of dealing with this incorrigible class than having a separate Government prison for them?—I do not want to see only the incorrigible prisoners there, but I want to see those men who have been frequently offending—for instance, the garotters, and those kind of men who have been convicted of crimes of violence, and my object is that they should not come among the mass of prisoners, but be dealt with separately.

4302. Do you think that that vicious class who come under the head of garotters, by mixing with the other prisoners, harden and deteriorate them?—I am certain of it.

4303. So that it is desirable that there should be a classification in the convict prisons with reference, not merely to prison conduct, but to the nature of the crimes for which the prisoners were convicted?—Yes; we have often been most anxious to classify the prisoners, but we have never been able to succeed, nor do I think we shall succeed while we expect to obtain hard labour from the men.

4304. Does not the object of obtaining remunerative labour in a great measure impede what you would wish to do if you have no other object in view but to deter from the commission of crime?—Yes, it might do that; but we must also remember whether it is remunerative labour or not, you must have it in order to employ the men—you must employ them.

4305. Do you think that labour which was more irksome, and not so agreeable would not have a greater effect in deterring them from the commission of crime than that in which they take an interest in some degree and pride?—I think that it might; but although the men work so well as they do at Chatham upon their present labour, yet to most people it would be a most deterring kind of employment; but the men, deterring as it is, in wet and dry, do work with the greatest willingness.

4306. Your opinion seems to be that the knowledge that they will be employed on that hard labour would be more deterring than the notion that they could be employed in picking oakum, but at the same time it is less deterrent to them?—Yes; and it is less contaminating to the whole body, for the mischief those men do to whom I have referred is really beyond belief.

4307. Is not the lighter labour, such as the tailors and shoemakers, held out to prisoners as a reward for good conduct?—Yes; we require a certain number of them to fill what are called the inside berths, and these men are always very anxious to get into them; we have but a

very small number of them in each prison, but they are necessary for the actual requirements of the prison.

Captain J. M. Gambier.

13 March 1863.

4308. You stated, I think, that the hope inspired that by conducting themselves well that they may improve their condition, has very great influence upon them ?—Very great.

4309. Would not the hope that by conducting themselves properly they may obtain one of these inside berths to some extent exercise a good influence upon them ?—Undoubtedly, but so strict are we in our rules even if a man has had a report for which he has only been cautioned, that will debar him from getting an inside berth. A man will often come and try to see whether I will intercede with the governor to get such a report erased ; I know directly what it is for, he tries to take me in, and he acknowledges that it is to get one of those inside places ; for instance, as a prison cleaner.

4310. (*Chairman.*) Do you include in the inside berths the cooks also ?—Yes, but that is rather laborious work ; the cooks, bakers, and the washers.

4311. Is it not rather dangerous to employ men in the kitchen in distributing the food to the other prisoners ?—They are only employed under the superintendence of a free cook, a civilian cook, in dressing the dinners, and then gangs of men from the different parts of the prison come to the cookhouse to fetch the dinners away. We could not get the dinners taken to the men unless men came on duty for the day to fetch them.

4312. Have you never found any inconvenience from their stealing part of the food belonging to their neighbour ?—No ; now and then there are a few prison reports of a man concealing his neighbour's potatoes, or hiding a bit of meat in his hat, but he is almost certain to be seen, and he drops it ; it very rarely occurs.

4313. It does not occur to such an extent as to lead to any inconvenience ?—None whatever.

4314. Do you think that there is any objection to employing convicts in the dockyards in contact with free labourers ?—Very great objection.

4315. I suppose that the free labourers bring them in tobacco, and other things ?—Yes, and letters, and anything in short they can bring them. They will also pass out letters from convicts to their friends, requesting those friends to send them money, and then perhaps, if they can suborn an officer, which is very seldom, they pass out these letters to their friends, then the friends send them probably a sovereign, the free labourer keeps about 15*s.* of it and gives the other 5*s.* to the man when he can find his opportunity, or gives him tobacco, but that is all the man gets, and it has a most demoralizing effect.

4316. You have stated also that there is a difficulty in carrying classification further among the convicts, as it would be inconsistent with giving them hard labour to perform ?—Yes.

4317. If they were employed in agricultural labour, as they are at Dartmoor, that objection would not arise so much ?—No.

4318. Does the ground at Dartmoor admit of an extension of the establishment so that you could employ a greater number of the prisoners as agricultural labourers ?—We could do it, but the climate is so very antagonistic to any work being done I never could advise that Dartmoor prison should be increased ; they have constant fogs there day after day, when you cannot move men out to work, and constantly for days it is pouring with rain. It does not so much signify in the case of invalids, because their labour is not so valuable,

Captain J. M. Gambier.

13 March 1863.

but it would be labour thrown away to send to that place able-bodied men; it is a dreadful climate.

4319. If, in any rough part of England, a place could be found where they could be employed in reclaiming the land, that would be an advantage, would it not?—Yes, a great advantage; you could classify them with far greater ease than now, but it would not be renumerative.

4320. Agricultural labour is morally good for a man, and is always useful as a preparation for those who go to Australia?—Quite so.

4321. You have expressed a strong opinion against the men attending chapel in the evening after labour?—Yes.

4322. Would that objection apply to school in the evening?—I think it would, if possible, in a stronger way than to the chapel service. In the first place you must give a thought to their condition; they are worn out by their day's work.

4323. It appears from the evidence that the practice in Ireland is to give school instruction in the evening after the day's work, and that that is done with very great success?—We have never tried it in this country, and I cannot imagine it would work well in our prisons; the officers are worn out, the prisoners are tired, and the governor would not like to have his men moving about after dark; he is answerable for the safe custody of the men, and he would not know where they were if there were 120 or 130 of them at school. I do not think it would answer.

4324. (*Mr. Childers.*) I think you stated that, as now conducted, transportation has no deterring effect?—I think so.

4325. How would you conduct it, so as to make it have a deterring effect?—I think the criminal population of this country cannot distinguish between North, South, West, or East Australia, and they naturally connect Australia with the idea of gold. If you have no other colony but Western Australia to send a man to, the step to take, if you wish to make even Australia deterrent, which you would succeed in doing, would be to assimilate the time the convict has to pass in Australia with that which he has to serve in England before he obtained a ticket of leave, and that would be most deterrent.

4326. With that change do you think that information as to transportation to Western Australia could be so given that the convicts would dread it where they do not now?—I can state that upon every visit I may make to the different prisons there are probably from 50 to 80 men who are desirous to see me, and I am sure that 20 out of those will be always ready to ask me to let them go to Australia in the first ship.

4327. Up to what time in a prisoner's sentence do you think that that feeling continues; supposing that a man has worked out three-fourths of his sentence, do you find that he still wishes to be transported?—Yes, certain of them do, but at present our instructions are that we are not to send out any long-sentenced prisoners until they have performed a portion of the time laid down in the regulations for them to serve. Of course, under those circumstances, we cannot send out any men for the next two years to come.

4328. But you do send out now, under the rules of last year, the short-sentenced men, do you not?—No, I have not sent out any—nothing shorter than seven years; there may be a very few sentenced to six.

4329. But the men sentenced to six and seven years would have only when they go out a comparatively small portion of their time still to serve before they would obtain a ticket of leave?—Yes; if we had been obliged to comply with those instructions then we could not have

sent any men at all ; we cannot find men who have served one-half of their time irrespective of the time when they were convicted.

Captain J. M. Gambier.

13 March 1863.

4330. I want to know at what point in a man's sentence for six or seven years he ceases to look forward to transportation as a boon, and rather looks forward to his liberation on a ticket of leave ?—I think if they are compelled to perform the time laid down in these rules you would not have many men who would wish to go out, as they would be so close to their remissions, except they are re-convicted men, and therefore have no friends, and all those men therefore would rather go out.

4331. You think, as a general rule, a re-convicted man is glad to be transported ?—Always.

4332. But to the first sentenced men the boon of a ticket of leave is a greater boon than the boon of transportation ?—Yes, it is so provided they have not to perform a very long period of their sentence at home.

4333. If the conditions of the ticket of leave were made more stringent what do you think the effect would be upon their feelings as to transportation ?—My belief is this, if you would assimilate the period to be served in Western Australia, when a man should get his ticket of leave to the time that a man has to serve here, and when it was necessary so send a ship you selected the men irrespective of the dates of their convictions, and those men found that they were going to Australia to serve all this time—for instance, if a 10 years' man found that he was going to serve seven years and six months of his sentence before he got his licence, that would be most deterring.

4334. You cannot make transportation a deterring punishment unless you increase the time during which a man will have to be kept by the Government ?—You cannot.

4335. That would very greatly add to the expense, would it not ?—I am entirely speaking of the colony now. You get labour out of the men which I suppose is more than equivalent to the cost in the colony.

4336. Your answer is quite clear to this extent, that in order to make transportation deterrent, you must alter the system and retain a man in the Government employment much longer than you do now after he reaches the colony ?—Yes.

4337. Supposing the advantage of a ticket of leave in England is made less than it is at present, and that the conditions are more restrictive than now, would not the boon of transportation be a greater one than at present ; in other words, would it not add to the boon of transportation in the prisoner's mind ?—I do not know, but I apprehend it would, if he was to be sharply looked after in this country; he would be too glad to get out of it.

4338. You have stated that transportation would be a greater boon than it is now if the choice of the prisoner is between transportation and a more rigid system of ticket of leave at home ?—Yes.

4339. Therefore, if you wish to make transportation more deterrent than it is now, you must not add to the restrictions in the ticket of leave at home ?—No.

4340. (*Mr. Russell Gurney.*) If a man were to serve his whole time abroad, even though the conditions of the ticket of leave were more strictly enforced here, would it then be deterrent ?—I think that the longer the time is which a man has to serve abroad the more deterrent you will make it, irrespective of how he is treated at home, and the longer the time is he has to serve in the colony the more deterrent will you make transportation. If the men had to serve out the time laid down in these instructions (one half of their sentences),

Captain J. M. Gambier.

13 March 1863.

by the time they got to the colony they would be overdue for their licence, according to the colonial regulations, and that is not deterrent.

4341. (*Chairman.*) The really deterring effect of the punishment is produced by the period passed in penal labour?—Yes.

4342. Whether that penal labour is inflicted at home or in the colony makes comparatively little difference?—No.

4343. (*Mr. Childers.*) With this addition, that all re-convicted men are anxious to get out of the country?—Yes, because one reason is they know now they must serve the whole of their sentences in this country, and that they will get no remission.

4344. I think you stated before that they would not have any friends to go to?—Yes, but also they must serve all their time.

4345. (*Mr. Russell Gurney.*) With regard to re-convicted men, if a re-convicted man was to serve the same time here and abroad, do you think that that man would wish to be sent abroad who intended to continue a course of crime?—No, I do not, because he would possibly rather be discharged at home, as he would have a better chance.

4346. To a man who wants to pursue a course of crime transportation is a greater punishment?—Yes.

4347. But to the man who wishes to turn over a new leaf, it is an advantage to be sent abroad?—Yes; I am afraid we could never distinguish which man means to go back to crime, and which does not.

4348. It is an additional punishment to the man who intends to do ill, but it is a boon to him who intends to do well?—Yes.

4349. Do you think it would have any additional effect in the way of deterring a criminal if the time he must remain in this country in penal labour formed part of the sentence of the judge?—I think it would.

4350. Has not the belief got abroad that the remission of a sentence is very much greater than it really is?—No, I think not in this country. I think that is pretty well understood.

4351. You have been speaking with respect to men working together at the latter part of their sentence; do you think that much mischief arises from indiscriminate intercourse between the criminals in the latter part of their time and before they are released?—I think it is very desirable, if we could so classify the men, that a man, for example, who comes down from Millbank prison should not go to work in the same party with a man who was within a few days of his discharge.

4352. Is not information given by criminals from different parts of the country, in consequence of which facilities for crime are afforded?—I am afraid it is so.

4353. For instance, facilities are afforded to a man who is known in London to pursue a course of crime in another part of the country where he will not be known?—Yes, we have anxiously tried to avoid that, but our numbers are so large.

4354. Supposing the criminals were more subdivided, would it not be more easy then?—Yes, but that is perhaps one of the disadvantages of large convict establishments.

4355. Do you think there would be any advantage in having the latter part of the confinement more restricted?—I think there would be very great advantage if all convicts were obliged to pass the last three months of their sentences in separate confinement; I have always been of that opinion, and experience daily proves to me more than ever the advisability of that.

4356. With reference to giving the governors of prison power to flog, is not a good effect produced upon the minds of criminals by having that power placed in the hands of an independent person, and different from one who carries on the ordinary discipline of a gaol?—Yes.

4357. There is a little more solemnity in the inquiry that is gone into ?—Yes, and it is more dreaded.

4358. Might it not create some bad feeling towards the governor with whom the man was in daily intercourse ?—Yes.

4359. Would there be any objection to a county magistrate being called in ?—No, if the law allowed it.

4360. He can be called in immediately, while you could not be there often ?—Yes, I cannot be in every place at once.

4361. What is the punishment inflicted for idleness ?—A man would be reported to the governor for idleness, and the governor would, after inquiring into the matter, give him from one to three days bread and water, and from seven to 14 days half diet, and he would, if necessary, reduce him a class ; he might also sentence him to lose from three to 14 days of his remission.

4362. Are all these punishments recorded in a book ?—Yes.

4363. I cannot find a single entry in this book of punishment for idleness only ?—I should say then that seems to give a very good account of their conduct at Chatham, showing they are not very idle.

4364. But surely there must be some cases of idleness ?—There are, of course, cases of idleness, but I think those are the exceptions. In the different prison reports there are very few reports for idleness ; in the Dartmoor books I daresay you will see a great many.

4365. Must it not necessarily be the case that there must be some idle men ?—I do not think so. If a solitary man was idle he would be reported, and the punishment would be most severe ; if a man is in the second or third stage the fact of his being reported alone would send him down for three months in the lowest stage, where he would carry a bad mark on his arm.

4366. I believe you have the management entirely of transportation ?—So far as I have explained to the Commission I have.

4367. You select and obtain the ships ?—No, not the ships.

4368. What means are taken on board ship to prevent communications between the different criminals ?—Captain O'Brien has that part of the management. I have nothing to do with that. It is his duty to inspect every ship.

4369. Then you do not know whether there is any difference between the arrangements made on board a convict ship and an ordinary emigrant ship ?—I do not know positively, but I have every reason to believe there is a very great difference. We had five assistant warders go out in the last ship, to look after the men ; there were 320 men, besides a guard of 50 pensioners.

4370. (*Mr. Childers.*) With respect to the transported lunatics, I think you stated that, to your knowledge, no one had been transported who had been a lunatic ?—Certainly, none have been transported if we knew that they had been so, or if their caption showed it.

4371. Are any pains taken to ascertain whether a man is a lunatic ? —I have taken the greatest possible pains, with the assistance of the medical officer ; and every other person, indeed, I may say there is no one thing I have taken so much trouble and care about when I have had instructions to select men for a ship.

4372. When did you first commence this duty ?—On the 1st July, 1857.

4373. (*Mr. Henley.*) You have stated, I think, that the only difficulty with regard to the evening school would be with reference to the officers and with reference to the governor, who would be unwilling to have a certain number of his prisoners out at that time of the night ?—Not only that, but I think the prisoners come in from

Captain J. M. Gambier.

13 March 1863.

labour so tired that it would be difficult to make anything of their half-day's schooling. I have always been of opinion that it would be better if there was no schooling whatever when the prisoners come to the public works; but they should have a great deal more of school instruction during the time they were undergoing the separate confinement. I do not think the school instruction does much good; it is only half a day in the week, and not above four hours.

4374. Putting aside the question whether the school instruction does good or not, why should a man who works upon the public works in the winter season, and in short days, be more incapable of going to school in the evening than a labourer who attends voluntarily an evening school?—Because one is a convict and the other is free. The governor of a prison is answerable for the safe custody of the convicts in his care, and he cannot be answerable for those men if they are moving about after dark out of their cells.

4375. You stated also that you thought the men would be so fatigued after their day's work that it would be of no use their going to school; why should convicts be more fatigued with short hours of labour than independent labourers?—Because one does his work voluntarily, and the other man's labour would be compulsory.

4376. Is not their strength about the same?—Yes, but one does it with a free will, and the other would do it compulsorily.

4377. If there was a sufficient number of warders to look after the convicts I suppose the governor need not be apprehensive of their getting out of the school-room and escaping?—No, but they would be in the chapel after dark, they would have to march from the chapel to the prison for that purpose, and they must go out into the open yard, and if it is dark who is to know whether a man slips away; he would be over the wall in a moment.

4378. They now go from the chapel after dark, do they not?—No, it may be just dusk; of course the time occupied in the school would be much longer than in the chapel; the chapel service only lasts about a quarter of an hour or 20 minutes, while the schooling to be of any use must last four hours.

4379. Whether it lasted four hours or two hours, the difficulty would seem to be, in your mind, that it would increase the duty of the warders, and that it would require an additional staff of warders to prevent escapes when passing from the schoolroom to the cells?—Yes. I also think that if these men came in in the summer after a long day's work, and after they had been working in the quarries, as at Portland, or on St. Mary's Island, as they do at Chatham, you would hardly find them in a condition of mind and body to sit down to use a pen or a slate-pencil.

4380. But in the winter time that would not apply?—No, I do not think it would so much.

4381. Would it be more or less advantageous, or more or less disagreeable to the convicts, to be locked up in their cells for a certain period as now doing nothing, or to be employed in receiving the instruction that it might be proper to impart to them?—When a man comes in from labour now, after he has washed himself, and shaved himself, and had his supper, he has got one or two library books, or his Bible and Prayer-book in his cell, and with his light he can sit down and read there half an hour.

4382. That is to say, if he can read?—Yes, and most of them can; at all events a great number of them can. There are a few who cannot read.

4383. I understand you to be distinctly of opinion that any additional schooling would be of no advantage to the prisoner?—Decidedly not, if it took place in the evening.

4384. You also think that the evening chapel service is rather mischievous than otherwise?—Yes; I can also say that every chaplain, save one, agreed with me, and that one I have never asked, because I knew it would be of no use.

4385. When you spoke of the incorrigible class as consisting of about five per cent., or 400, did you include in that any proportion of the invalid class, the 1,300?—Yes, I did, because they would represent a very great number of them.

4386. Then a considerable proportion of the incorrigibles would be found amongst the 1,300 invalids?—Yes, no doubt the greatest number.

4387. Would that include many of those who you stated were mentally defective?—It would hardly include those, as they are really scarcely answerable for their actions, and could not be put into separate cells; they have naturally to be in association, and that has been a crying mischief, for you dare not put those men into separate cells.

4388. The term "incorrigible" would not properly apply to them?—No.

4389. Deducting their number of something like 200, the 1,300 would be reduced to about 1,100?—Yes, and those we hope may be got rid of by their being sent to Broadmoor.

4390. (*The O'Conor Don.*) With respect to the re-convicted men, you say that they are not a class of men who bear the worst prison characters?—Not always.

4391. Although not, as a class, bearing the worst prison characters, are they not most likely to relapse into crime when they become free?—Quite certain.

4392. In selecting the re-convicted men for transportation you thereby select men for transportation who would most likely relapse into crime if they were liberated in this country?—Yes.

4393. I believe you were engaged in inquiring into the Chatham mutiny?—Yes.

4394. What class of convicts was there in the Chatham prison at that time?—When Chatham prison was opened, its population was composed principally of men from the hulks, and many others of the worst class; there were a great many of the Gibraltar and Bermuda men; as they came home they were and are still sent to Chatham. I do not mean to say that at the time of the outbreak those hulk men were still there, for a great many of them had gone, but they had left their seeds of mischief behind them, which of all things is the most difficult to eradicate in a prison, therefore it was rather the mischief which they had left behind them than the mischief they were guilty of.

4395. Taking the class of men who were then in the prison, were they a very bad class upon the whole, or a good class of men?—I think some of them were very bad.

4396. But only a small minority?—Yes, there were very few of those men engaged in that Chatham outbreak who were really guilty men.

4397. Have you seen the returns which have been presented to the Commission by Sir Joshua Jebb?—I am not aware that I have.

4398. Will you be good enough to look at that return (*handing the same to the witness*) of the number of females sentenced to penal servitude?—I know nothing of the females.

4399. (*Mr. Waddington.*) With regard to the selection of convicts

Captain J. M. Gambier.

13 March 1863.

for transportation, I understand that you receive instructions from Sir Joshua Jebb as to the classes from which you are to select the men?—Yes, I receive instructions from Sir Joshua Jebb that so many men are required for transportation. I then make a proposal to Sir Joshua Jebb whether he will approve of certain classes of convicts being selected, and he thereupon, if he approves of it, writes to the Home Office, and submits to the Home Office whether this class of men shall be selected.

4400. Then when you receive his final decision as to the classes to be selected, there are certain general rules which guide you in that selection?—Yes.

4401. They must be men in good health and fit for labour?—Yes, also men who have not been convicted of crimes that I have already mentioned.

4402. Men who have shown no symptoms of insanity?—Yes, and they must have a certain time to serve in the colony before they can obtain their tickets of leave.

4403. Those conditions leave you a very small proportion indeed to select from?—Yes, unfortunately, as most of the sentences are for three, four, or five years, which so greatly add to our difficulties.

4404. With reference to whether you are to send men who have been previously convicted or not, you have no choice?—Very little.

4405. All prisoners who have good health with long sentences, of which a considerable part remains to be served, are those whom you would select?—Yes, those are the persons.

4406. (*Mr. Childers.*) I think you stated that the men have applied to be transported?—They put down their names to see me, and I say to a man, "What is it that you want?" He will say, "I want to go "abroad in the first convict ship to Western Australia." I then send for his caption and look at his character, and at his crime, and at his sentence, and I then say to him, "What do you want to go for?" and he will tell me "Because I have no hopes in this country. I have been "convicted before, and I must resort to the same course again if I am "liberated. I want to turn over a new leaf." I say, "Very well, all "I can say is you will go in your turn, if your services are required; "I cannot take you out of your turn."

4407. In selecting people to go out, you give consideration to the fact that they have applied to go?—No. I say to a man, "I cannot take you "out of your turn, but if you think fit to petition the Secretary of State "to be sent out to Australia you can do so."

4408. Do they ever do so?—Many of them do.

4409. (*Mr. Russell Gurney.*) Is the application often granted?—That depends upon the Secretary of State.

4410. (*Chairman.*) The main object of that application is to obtain a ticket of leave earlier?—Yes.

4411. (*Mr. Russell Gurney.*) Are they often sent out, out of their turn?—Very seldom.

4412. (*Mr. Waddington.*) Do you ever find that your general rules are interfered with?—Never.

4413. Are these men aware, generally speaking, of the conditional pardon in the colonies?—I am quite sure they are, for notices are hung up in their prison cells.

4414. You are aware that they obtain a conditional pardon in the colony at about the same time when they would obtain a ticket of leave in this country?—Yes; they are also aware that they get their ticket of leave at a very much earlier period.

4415. Do you think that the fact of their being able to obtain a conditional pardon in the colony has also an effect upon them ?—Yes. *Captain J. M. Gambier.* 13 March 1863

4416. (*Mr. Childers.*) Are they aware that a ticket of leave in the colony means a very different thing from a ticket of leave in England ?—I think they know that it is a very different thing, but still they know that they are what is called out of prison.

The witness withdrew.

SIR, 45, Parliament Street, March 16, 1863.

I AM anxious to correct three mistakes I made when under examination on Friday the 13th.

1st. I then stated that the work performed by the convicts in the dockyard at Portsmouth was measured and valued by the clerk of the works attached to the prison, checked by the clerk of the works to the Admiralty; I ought to have said that convict labour in the dockyard is measured by our own foreman of works *only*. He is not assisted or checked by any dockyard official; but the value of labour is based on a schedule of prices approved by the dockyard authorities. This schedule has not been altered for several years.

2nd. No money is paid for the labour of the convicts on Southsea Common any more than for that in any other department. The whole was discontinued together in October 1858.

3rd. At Chatham the work is measured only by our own foreman of works, and he is not *officially* either *associated* or *checked* by the Admiralty engineer; but the latter is good enough to furnish the governor with *his* valuation of the work measured by our own foreman, and it is very satisfactory to state that the two valuations agree very closely.

I shall be ready, if required, to rectify my errors.

I am, &c.

(Signed) J. M. GAMBIER.

Captain I. S. WHITTY further examined.

Captain I. S. Whitty.

4417. (*Lord Naas.*) A supplemental return has been placed before the Commission showing the number of male convicts released, &c., in 1862. Out of that number it is stated that 97 had gone abroad, that 63 were placed under the supervision of the constabulary, or under the supervision of the lecturer of Smithfield, and that 12 have had their licences revoked, or been reconvicted and sentenced to penal servitude. Will you state how many of that 12 have had their licences revoked, and how many have been reconvicted ?—Three only, nine of the number were for irregularities, not criminal offences; for instance, for not reporting themselves to the police, and having no visible means of earning their livelihood. App. No. 10. F.

4418. So that out of 63 persons who are said to be placed under the superintendence of the constabulary and the lecturer of Smithfield, only three have had their licences revoked for misconduct ?—For criminal misconduct, and those 12 had all been discharged within the year.

4419. (*Chairman.*) Some of them towards the end of the year probably ?—Yes, no doubt.

4420. They would probably come into another year ?—Yes, it is the 12 that were discharged in the year that I am referring to.

4421. (*Mr. Henley.*) You stated that some of that number had their licences revoked for misconduct, such as not reporting themselves to the police. In the event of a man not reporting himself to the police where is he taken ?—He is put back into Mountjoy prison after being re-apprehended.

4422. Were those nine men all apprehended ?—Yes, all of them.

Captain I. S. Whitty.

13 March 1863.

4423. Of the 97 who were under the heading of "gone abroad, &c.," what proportion was absolutely known as having gone abroad?—With regard to that entry of "gone abroad, &c.," we state that to the best of our belief—we have not had them under supervision—they have gone away with the intention of going abroad; but I think Mr. Organ will be better able to give you information about them; we officially do not really know what becomes of them.

4424. Then, in point of fact, that heading would be more correct if it represented the 97 as persons of whom you know nothing?—We have an idea that they are really gone abroad; some of them have that intention, and some have gone on board ship.

4425. (*Mr. Waddington.*) Would you not have put them under supervision if they had not got out of the way?—Yes, they would have been under our supervision.

4426. They must have gone somewhere?—Yes.

4427. (*Lord Naas.*) And with leave?—Yes.

4428. (*Mr. Henley.*) They have gone out of your knowledge?—Yes.

4429. (*Lord Naas.*) But they had permission to go?—Yes.

4430. (*Mr. Henley.*) Would that include persons who go to England and Scotland?—Yes.

4431. Can you state how many of them have had permission to go to England and Scotland?—I have a paper here that will show how many have gone to England with our knowledge, from Smithfield prison, from which the great majoritry of these men are discharged on licence. I find that in the three years, 1860, 1861, and 1862, 15 men have gone, with our knowledge, to reside in England; of those, 11 were Englishmen and only four were Irishmen.

4432. Can you state how many of those men, when they applied for leave to go abroad, stated that they wished to go to England or to Scotland?—It was a very small proportion, but Mr. Organ will give you the particulars about them.

4433. Who gives the authority in such cases?—It is done by us at the Government office.

4434. Is there any record kept of the applications made?—Yes, a record is kept at the prison.

4435. Is a record kept of the place to which a man applies to go?—Yes: I have a record here from Smithfield prison, of the applications made to go.

4436. I understand that to be a record of the persons who have actually gone?—That is all we can speak of.

4437. You can speak of the applications to go, but whether they actually go or not you cannot say?—I apprehend that we can, from having them under supervision if they remain.

4438. That is to say, if the person who has to supervise them keeps them in his eye?—If we do not know, or have reason to believe that the men have gone away, we should put those men into the "Hue and Cry."

4439. You are certain of the applications that are made, but of the others you may or may not be certain?—We cannot be certain that a man is not in the country, of course, but it would be in a very few cases, as I apprehend.

4440. Do you pay the passage to America for these men?—No; if they go they must do it out of their own gratuities, or work their passage out.

4441. (*Mr. Waddington.*) Do you give them the full amount of their gratuity at once?—Yes, in some cases, where it is a small sum.

4442. (*Mr. Henley.*) Are you aware at the time that the gratuity is about to be applied in that manner ?—Yes.

4443. (*Mr. Waddington.*) You are aware by the terms of the licence that they are to be at large in the United Kingdom ?—Yes, but I do not know whether that amounts to a prohibition to leave it.

4444. Do you think that to be at large within the United Kingdom is a licence to be at large out of the United Kingdom ?—I do not think that there is any expressed prohibition.

4445 But do you think that they are the same things ?—It does not say that they are not to leave the kingdom.

4446. Does not a licence to be at large in the United Kingdom imply that they are not to be at large out of the United Kingdom ?—It has not been so interpreted by us.

4447. You have considered that point, and you have put that interpretation upon it ?—It has not been specially considered that I know of.

4448. (*Mr. Russell Gurney.*) Do the 12 men whom you have mentioned include any persons who have been apprehended and not yet convicted ?—No ; they have all come back to prison.

4449. Suppose that any of those discharged from Smithfield had been apprehended and were waiting their trial at the spring assizes, would they be included in this list ?—No ; these are men whose licences have been revoked.

4450. Suppose a person was apprehended in August last, immediately after the summer assizes, he would not have been tried until the end of the year 1862 ?—No ; there are no such men included in this ; there are no men waiting their trials in that list.

4451. Are there many men waiting their trials who have been discharged from Smithfield ?—That I do not know ; I am not aware that any are waiting for trial.

4452. (*Lord Naas.*) I believe that the number of persons who have been sentenced to penal servitude in Ireland during the last year was 577 ?—There was some small addition made to that.

4453. (*Mr. Waddington.*) What is the whole number ?—The whole number is 592.

4454. (*Lord Naas.*) What has been the average number of convicts in the convict prisons for the last five years ?—The average number has been on the 1st January for the last five years 1,557 ; on the 1st of January 1863 we had 1,575, and that number of 1,575 is exactly 18 over the average number that had been in the convict prisons on the 1st January for the preceding five years. On the 1st January 1859 there were 1,773 persons in the convict prisons ; on the 1st January 1860 there were 1,631 ; on the 1st January 1861 there were 1,492 ; on the 1st January 1862 there were 1,314 ; and on the 1st January 1863 there were 1,575. Those numbers added together and divided by five give an average of 1,557 ; and on the 1st January 1863 there were 18 above that average.

4455. In addition to the special cases mentioned by Sir Walter Crofton, I believe there has been an unusual number of short sentences passed in the last two or three years ?—Yes; there were 207 sentences to three years penal servitude in 1862 against 93 in 1861.

4456. There has also been a considerable amount of distress, has there not ?—A great deal.

4457. I believe you have a return of the number of persons in the poorhouses in Ireland during the years referred to ?—I have a return of the number not in the poorhouses, but of the number receiving in-door or out-door relief.

4458. Will you put that in ?—Yes. I got the pauper relief

Captain I. S. Whitty.

13 March 1863.

figures from the Poor Law Commissioners ; and the number has risen from 44,866 in January 1859, increasing in the last five years to 65,847 in January 1863.

The following paper was handed in :

IRELAND.

——	Prisoners in County Gaols.	Paupers receiving indoor or outdoor relief.	In Convict Prisons.	
January 1859	2,844	44,866	1,773	Average of these five years 1,557, or 18 under the No. on 1st January 1863.
„ 1860	2,535	44,929	1,631	
„ 1861	2,488	50,683	1,492	
„ 1862	2,916	59,584	1,314	
„ 1863	3,055	65,847	1,575	
			5) 7,785	
			1,557	

41 workhouse (Dublin) offences (emeute) in 1862.
24 sheep-stealers (against six in previous years) do.
13 agrarian crimes do.
50 former three or four years sentences in 1862 (as predicted in previous reports).
207 three years penal servitude in 1862 against 93 in 1861, denoting destitution as confirmed by column 2 above.

4459. (*Mr. Russell Gurney.*) The increased proportion of short sentences would probably account for the smaller number of convicts in the prisons ?—It has been rather a sudden increase between 1861 and 1862.

4460. (*Mr. Waddington.*) Whatever the number in the prisons may be, has the number of persons sentenced to penal servitude increased both in 1861 and 1862 very largely ?—There has been a considerable increase in the numbers sentenced in 1862.

4461. There were 138 old offenders who were re-convicted in 1862 and sentenced to penal servitude, do you happen to know what offences they had committed ?—I could ascertain that, but I could not state at this moment.

App. No. 11.

4462. (*Chairman.*) I believe, before Captain Gambier, you had the charge of selecting convicts to be sent to Western Australia ?—Yes, both as governor and director.

4463. Are you aware that complaints were made some years ago from Western Australia, of convicts having been sent thither who had been lunatics in this country, and some who had been convicted of unnatural offences ?—I have merely seen that in the public prints.

4464. During the time that you held office as director of convict prisons in England, was there any investigation into the cases, when complaints were made from the colonies as to them ?—No, I remember no such complaints.

4465. (*Mr. Waddington.*) You had the selection of them, and can you undertake to say, that in your time no prisoner was sent out to a colony, who had any symptoms of insanity ?—I can undertake to say this. When I was governor of Portland I know that no prisoner was sent out unless he was the best person to send, that is, being perfectly sound in mind and body.

4466. What years can you speak to ?—My experience would extend from 1848 to 1851, and for five years after that I was director. I never knew of any case of the kind myself.

4467. Were all such cases carefully excluded after medical examination ?—Yes, I always understood that every man was mentally and physically examined, and returned as fit to go out.

4468. (*Chairman.*) If such men were sent out in any of the years after 1851, when convicts were sent to Western Australia, it was contrary to orders?—I should understand it so.

4469. When complaints were made from the colony of such persons having been sent out, it would have been desirable, would it not, to have some investigation in this country into the particular cases ?—I should think so, but I never heard of any such complaints being made.

4470. (*Lord Naas.*) I believe you wish to correct a statement as to the diet ?—Yes, I wish to explain about the allowance of meat at Spike Island. I should have stated that the meat is weighed before cooking, and that it was meat with bone. At Smithfield it is not only weighed before cooking, but it is meat without bone. At Lusk it is weighed before cooking, and it is also meat without bone. At Mountjoy prison it is weighed before cooking, and is also meat without bone.

4471. (*Lord Cranworth.*) I think you stated on a former day that there is an evening school at Spike Island, at which each class attends once a week ?—No, the evening school at Spike Island is exclusively for what we call the advanced class of men, and they always attend in the evenings ; they are never taken off their labour to attend school.

4472. They perform a full day's labour, and attend at the school in the evening ?—Yes.

4473. Did you find that the labour of the day so much fatigued them as to render the attendance at school in the evening irksome ?—No.

4474. Is the labour they perform there heavy work ?—It is just the same as the work of the other men ; they get some extra gratuity for it in consideration of there being no deduction for school.

4475. (*Chairman.*) Is it quite as hard as the Portland labour ?—Yes, there is a great deal of quarrying.

4476. (*Lord Cranworth.*) What number of men are there in that advanced class ?—There are, I think, about 220 in the advanced class.

4477. Do they all attend the school ?—Yes, but they attend at different parts of the prison.

4478. Do they attend at all times of the year ?—Yes, every evening in the week.

4479. For how long ?—It is between an hour and an hour and a half.

4480. Have you found any difficulty in preventing their escape after dark ?—No.

4481. (*Chairman.*) Do you think that this evening school is attended with advantage ?—Very great advantage indeed. The men pay very great attention, and it is a great advantage to them, as well as a great advantage to the public works. We could not very well manage with the other class of men in this way. We have not got accommodation for them, but the advanced class have schooling in their own rooms. We do not take them out of their rooms.

4482. Do you mean that each man is separately taught ?—No, they are associated in Spike Island.

4483. They are attended to in the same place until they are locked up at night ?—Yes, we take them from one room to the other. We get as many into a room as we can, but we do not take them out of doors into a large schoolroom.

4484. (*Sir J. Pakington.*) Was the school at Portland, when you

Captain I. S. Whitty.

13 March 1863.

were there, an evening school ?—No; it was church service in the evening.

4485. Do you think the evening chapel service was of any value ?—I think it was of great value; I think that the men were very attentive, and there were chapel lectures given at Portland; when the Rev. Mr. Moran was there at first as chaplain we had a lecture every evening, but afterwards, when the men became much more numerous, it was discontinued.

The witness withdrew.

Adjourned to Tuesday next at 12 o'clock.

Tuesday, 17th March 1863.

PRESENT :

Earl GREY.	Mr. HENLEY.
Lord NAAS.	Mr. WADDINGTON.
Lord CRANWORTH.	Mr. RUSSELL GURNEY.
Mr. BOUVERIE.	The O'CONOR DON.
Sir JOHN PAKINGTON.	Mr. CHILDERS.
Mr. WALPOLE.	

EARL GREY IN THE CHAIR.

Mr. J. P. Organ.

Mr. JAMES P. ORGAN examined.

17 March 1863.

4486. (*The O'Conor Don.*) Will you state what position you hold under the Irish convict department ?—I am known in my official position as lecturer to the Irish intermediate establishments.

4487. How long have you held that appointment ?—Upwards of seven years.

4488. What was your previous occupation ?—I was superintendent of the adult evening schools in Dublin.

4489. Will you explain to the Commission what your duties are as lecturer ?—My duties are to bring before the convicts of Smithfield and Lusk subjects that are calculated to make them thinking beings. I speak to them upon social questions, such as taxes, strikes, combinations, illegal societies, industry, and honesty ; what they have to gain by the commission of crime, and what they have to lose, that is, in a temporal point of view, because I do not allow myself for a moment to infringe upon the duties of any of the respective chaplains. I have before me a copy of a little work of mine, containing the lectures which I deliver to the men, both at Smithfield and at Lusk. The subjects in this little book are—Air ; Water ; Plants ; Canada and her resources ; the Ocean ; Temperance and Self-control ; Australia, past and present ; Life, its battles, and how to fight them.

4490. Those are the headings of the lectures which you have delivered ?—This is a specimen of them.

4491. Your duties are not confined merely to giving lectures, but I believe you exercise a supervision over the discharged convicts ?—Certainly.

4492. In addition to that, I believe, you endeavour to procure employment for these men ?—Yes.

4493. Will you explain to the Commission what steps you take in order to procure employment for those men on their discharge ?—At the outset it was a labour of great difficulty. I commenced my duties

in February 1856. I drew out a map of the county of Dublin, dividing it into baronies, laying down upon this map the different post towns, also the mills, and factories, and farms, showing the names of the proprietors, the nature of those works, and so on. Having done this, I set out to see such and such employer. Sometimes I was scoffed at, and on more than one occasion the hall door was closed in my face. Still I persevered, and I was very well satisfied if, after going a distance of 40 or 50 miles, I should meet with one employer who would give one of my Smithfield men a chance to work out his character once more. When I secured one, I visited both the employer and the employed, and I continue to do so down to the present time. The employer would ask me what control I had or the Government had over the men. I, of course, explained, but I will give a case in point. Some five years ago I went to a gentleman who was a very large employer, and I saw him. I explained to him my mission. I was a long time in inducing him to give me a chance, but after many repeated visits I did succeed. He took one man. I visited that man once a fortnight, although he had removed from Dublin a distance of 10 miles, and I visited the employer. That man succeeded in giving the employer satisfaction, and the employer afterwards applied for another, afterwards for another, and previous to my leaving Dublin this employer wrote the following letter, dated 21st February 1863 :—"Dear sir,—In reply to your letter, "I beg leave to state that it was at your earnest solicitation I was "induced to take convicts into my employment in the first instance. I "have now had fully five years' experience of them, during which time "they have given me universal satisfaction. I have one at present in "my employment, in whose honesty I have such confidence that I have "made him a sort of watchman, and he has for the last few days "detected parties robbing me. Another saved enough to enable him "to emigrate to Australia. A third, in shovelling up some manure, "found a silver spoon, which he at once gave me. In conclusion, I "can only say that whenever you have an able-bodied man whom, you "can recommend, it will afford me much pleasure to give him employment." This employer was one whom I secured, I assure you, after a great deal of trouble, through the character and conduct of the first man he had employed.

Mr. J. P. Organ.
17 March 1863.

4494. You found great difficulty at first in procuring employment for them, did you not?—Very great.

4495. But that difficulty has diminished since the employers have had experience of the men?—Yes; since such employers as these have been found the difficulty, of course, does not exist now to so great an extent; but I think that, if I were to go over the same task again with other employers, I should have the same difficulty to encounter.

4496. You do not find that there is any sympathy with the criminals amongst the honest classes in Ireland that would induce them the more readily to take these convicts into employment?—Certainly not.

4497. In your supervision of the convicts who are placed under your charge, you communicate, I believe, with the detective police on some occasions?—Yes.

4498. Can you state to the Commission what impression has been produced upon the detective police force by their intercourse with those men who are released in Dublin?—I will explain the nature of my supervision, showing how the detective police and I work hand in hand. This letter which I am about to read explains the matter fully :—

13, Richmond Fair View, Co. Dublin,
January 10, 1863.

SIR,

IN reply to your inquiry as to my opinion of the working of the ticket-of-leave system in Ireland, I beg leave to submit the following statement of my

Mr. J. P. Organ. 17 March 1863.

practical experience day and night of the Smithfield men discharged on licence, and otherwise, and working and residing in the city and county of Dublin, it is perhaps necessary that I should state that I have been a detective police officer for 11 years, and therefore had an opportunity of making myself acquainted with the working of the new and old system of convict management in Ireland; my experience of the old system was of a most painful character, for the criminals came out of prison worse in fact than they entered, whereas on the other hand I have known very bad characters when discharged from your intermediate prisons to engage in steady labour, earning their bread, and absorbed amongst the honest members of the working community. It must have been only by perseverance that any Irish employer of respectable position could be induced to take into his work men who had been habitual thieves and burglars, for the aversion of all men of respectability in Ireland to employ convicts is very great. By this constant intercourse with the directors and yourself I have on very many occasions been enabled to prevent the commission of additional crime by visiting the abodes of the persons we had reason to believe intended doing wrong. I have never known a man discharged and under your supervision to be convicted of any act bordering upon violence on the person. I think the fact of a numerous and influential class of employers who have many of your discharged convicts in their establishments is a proof of the great good which has resulted from the working of the Irish convict system. I am prepared and willing at any time to give information in detail whenever circumstances may require me to do so.

I remain, &c.

To James P. Organ, Esq.,
5 Mespil, Co. Dublin.

Timothy Murphy,
Late Acting Inspector, Detective Department, Dublin Metropolitan Police.

4499. (*Lord Naas.*) How many discharged convicts are there in Dublin?—There are nearly 150 discharged convicts residing in the city and county of Dublin.

4499*a*. Are they all ticket-of-leave men?—They are not.

4500. (*Sir J. Pakington.*) You mean men who have been at Smithfield?—Yes.

4501. (*Mr. Waddington.*) How many of them, at this moment, are under tickets of leave?—I divide my visitation reports into three parts, one showing the number under the old transportation Act, the next showing the number unconditionally discharged, over whom the Government have no control; and the next relates to the penal servitude Act of 1857 that gave those short sentences. I will now explain the nature of my supervision. In the visitation form of report there are columns showing, first, the date of a man's conviction, the length of his sentence, the date of his discharge from Smithfield or Lusk, the nature of his last crime, the number of former convictions recorded against him, his name, his residence, the name of his employer, the nature of his employment, the wages which he receives per week, the date if on ticket of leave, the date of his time being fully up, and in the margin is a remark upon each man which is made by me. Here is a case, for instance, of a man who was sentenced for 10 years for receiving stolen goods, and having under his pillow a blunderbuss, his former character is this, "A terror to the neighbourhood in which he "resides;" his residence is about four miles from Dublin; his employer is Mr. So and so; he has remained with that employer since the 9th of April 1856; he has been from that hour under my supervision; and my last remark was this, "A man of sober and settled habits, with Mr. So "and so for the last seven years, wife sober and industrious, has a pig "and fowl."

4502. (*The O'Conor Don.*) Was that man discharged on licence?—Yes, under the old Act; his period of licence expired on the 3d January 1862; he was from 1856 to 1862 on licence; but with that kind of connexion that exists between me and the discharged convicts, we are not ashamed to know one another, provided no one sees us.

4503. (*Mr. Walpole.*) Did you provide that employment for him ?— Yes, I provide employment for all who cannot secure it for themselves.

4504. (*Mr. Waddington.*) That was an old transported man ?—Yes, Now I will go to the others; there is another transported man here ; he was five years under my supervision ; I have a list here of the unconditionally discharged men, over whom the Government has no control.

4505. (*The O'Conor Don.*) Those were men sentenced under the Act of 1854 ?—Yes, I think so ; this man was discharged in 1857, and he is earning 8*s.* 6*d.* per week ; he has been with the same employer since he was discharged. That employer, you must understand, first took the ticket-of-leave men over whom the Government had a control, and had in his employ seven of them at a time ; they earned good characters for themselves ; but I sent this man over whom there was no control, and yet he followed in the wake of the others and remained there ; he is working now for 8*s.* 6*d.* a week, but he is not an able-bodied man, or fit for strong work ; he walks seven miles in on Saturday evening to share that 8*s.* 6*d.* with a wife and child ; this is an unconditionally discharged man. Now I will refer to the men under the Act of 1857. The first man on my list was discharged on the 6th of February 1861 ; felony was his last crime ; he had been 13 times convicted before, and had been known as a thief since 1845 ; his name and residence are here put down, and his employment, as before ; he was last sentenced to four years ; the observation is "Keeping from crime, contrary to the "opinion of many who knew him before."

4506. (*Mr. Walpole.*) How long has he been out of prison ?—He has been discharged two years and more now.

4507. (*Lord Naas.*) Is he in employment ?—Yes, he is.

4508. (*Mr. Henley.*) Was it contrary to the opinion that he would keep from crime, or is it contrary to the opinion that he is keeping from crime ?—Knowing his antecedents, that he was an habitual thief, but in the eleventh hour he gave it up. Referring to the connexion between the police and myself, when I find that a man is not going on according to my liking, and he has something suspicious about him, I go to the director, and I either bring the man up if within reach, or tell him about it. I say, "I do not like the way in which this man is "going on;" he may have too smooth an appearance for a hard-working man, or he may be lounging about, or I might find him in his home when he should be out working, or out when he should be in ; then the director takes a note of that; at the same time, if it happens that my suspicions are aroused at night, or when the director is not in the office, and the case is an urgent one, I do not wait for the director to come the following morning, but I go straight into the detective office at the castle yard, I there tell the officiating inspector my doubts, and he, as a matter of course, has a close eye upon that man. Then in cases of suspicion I inform the detective authorities ; they know that it is their interest and my interest to work hand-in-hand ; and I point out to them sometimes, when I have my documents convenient, the last observation I have made upon the man. I may state no man has relapsed into crime in the city or county of Dublin whose relapse was not foretold more or less by me. I have here a list of those who have relapsed during my years of office, and opposite each name is the last observation that was made previous to the man's fall. I will take a case in this list as an example, this is the remark—"This man is slippery and not remarkable for his love of "truth"—he relapsed.

4509. (*Lord Naas.*) Was his licence revoked ?—His licence was not revoked, he was not on licence, but here is the case of another man

Mr. J. P. Organ. —P. C. ; this is the last observation—"When I saw this man last he "was well dressed, he leads a wandering life, and is a most suspicious "character," but the Government revoked his licence.

17 March 1863.

4510. (*The O'Conor Don.*) Did he fall into crime again ?—Yes, he did.

4511. (*Mr. Waddington*) How long had his licence to run ?—He was discharged on the 13th May 1857, he fell into crime on the 13th March 1858. I think he had about a year or so to run.

4512. He would be a five years' man ?—He might be a seven years' man.

4513. (*Mr. Walpole.*) Do you know what has become of that man since ?—The sentence he received keeps him in prison yet. Here are other cases, and a case at Lusk. It is worthy of remark that nearly five to one of the short-sentenced convicts relapse.

4514. (*Mr. Russell Gurney.*) You mean five out of six of those who relapse are short-sentenced men ?—Yes, or I would say four out of six.

4515. (*The O'Conor Don.*) Four out of six of the men who relapse are short-sentenced men ?—Yes; I have a document before me showing the number who have relapsed. I find that there are about 22 or 25. I have not got more than five old Act men. The rest are short-sentenced men.

4516. Therefore the long sentences, you consider, produce better results than the short sentences ?—Certainly.

4517. Which do the employers prefer, the ticket-of-leave men or the convicts who are unconditionally discharged ?—Invariably they prefer the ticket-of-leave men.

4518. I presume that is because they are under more control ?—The question generally put by employers, who have wealth and loose property lying about is, "How long have the Government control over "these men?" Then they are always led in a very great degree by the number of years yet to run, and, if we had not had such men to start the Irish system with, I hesitate to say whether it would have succeeded with the three years' men.

4519. Because the supervision over the three years' men would be for so short a period—six months or so ?—Yes, I see here the case of a man who was sentenced to four years, and there are no less than 11 convictions before against him. Here is another man who was sentenced to four years, and there are 15 convictions against him. When they become tired of sending these men into the penitentiaries and county gaols, they turn them out into the Government gaols for a few years.

4520. The short-sentenced men as a class would not be a better class than the long-sentenced men ?—Certainly not, if they were habitual thieves, as they are.

4521. Among the list of persons who have employed men who have been discharged from the intermediate prisons, I believe you find several English and Scotch ?—Yes, there are English employers in my district, and they are more generous, in fact, than the Irish.

4522. You have found no difficulty in getting English employers to give employment to these men ?—No, much less difficulty than with the Irish. With regard to any Englishman that I came across, I must say, although I may seem to speak against my own country, that he deals with me more generously.

4523. Among those men for whom you have obtained employment, were there not habitual criminals who had been committing crime for years ?—Yes ; I have a case here in which there are 15 re-convictions

against a man, and many cases in which there had been varying numbers of previous convictions. *Mr. J. P. Organ.*

17 March 1863.

4524. (*Mr. Bouverie.*) Are the men to whom you have referred all doing well now?—They are not robbing; I see them every day at hard work.

4525. (*The O'Conor Don.*) I believe you visit these men constantly?—I keep up a regular visitation, and in point of fact I am never done.

4526. Those who are released on licence, I believe, are bound to report themselves to you in the same manner as those who are in the country are bound to report themselves to the constabulary?—Yes.

4527. You do not confine yourself, I believe, to the reports which are made to you by these men, but you visit them at their own homes?—I prefer visiting them at their own homes, and speaking to their employers. I always wish to obtain the opinion of the employer of a man from the employer himself.

4528. The police do not exercise any supervision over the convicts in Dublin, except what you have mentioned in the suspicious cases?—No.

4529. In the intermediate prisons I believe you have had English and Scotch prisoners as well as Irish prisoners?—Yes, and we have them at present.

4530. Have you found any greater difficulty in dealing with them than with the others?—Not at all. If an Englishman is a robber, and an Irishman is a robber, I think it is of no consequence what country he comes from.

4531. Have you ever advised the men who have been released from the intermediate prisons to go to England?—Never.

4532. As a fact, have many of those who have been under your charge come to England?—I should say not one in every hundred, or not more than 1½ at all events—that is, to settle there.

4533. That is while under your supervision?—Yes.

4534. You explain, I believe, to the persons who employ these men, the control which the Government has over them whilst they are holders of a ticket of leave?—I always lay the facts clearly before the employers, because if I were not straightforward with them, and I was once detected, I should never be able to show my face again.

4535. So that the employers are aware that these men whom they take into their service have been previously in the convict prisons?—Yes.

4536. But the men with whom they work are not always aware of that fact?—No; it is the interest of the employers to keep the other workmen in ignorance of the fact; and there is another thing, that if the honest workmen were to know this, I am sure they would take objection to it, and make the place too hot for a discharged prisoner.

4537. No difficulty has been found in keeping the matter concealed from the other workmen?—No; the employer always does so.

4538. He communicates with you privately, and the other workmen are not acquainted with the characters of the men or their previous mode of life?—Their former character is concealed as much as possible from the workmen. I never wish to have the workmen know anything at all about it.

4539. (*Mr. Waddington.*) With reference to your mode of giving lectures, I believe you particularly impress upon them the desirableness of emigration?—I beg your pardon for one moment. The subject of industry very frequently engages our attention, and it is my duty, at least I think so, to explain the state of the home labour market and the foreign market. We never induce, compel, or urge any men to emigrate, and

Mr. J. P. Organ. 17 March 1863.

no man emigrates except through a matter of choice; but how does he emigrate? In Smithfield, across the rafters, I have the model of a ship and sails, and I get my young fellows more or less up in the practical working of a ship, and give them a knowledge of the technical terms of the rigging, and so on, and this cultivates in them a taste for the sea; and if they emigrate, they emigrate in this way, that some of them pay part of their passage and work out the remainder.

4540. (*The O'Conor Don.*) They work as sailors?—Yes, they work their passage out, and then they do not emigrate except as a matter of choice. I do certainly point out to them, as far as I am able, the great advantages of breaking with their former companions, and of concealing their shame.

4541. (*Mr. Waddington.*) And of going where their antecedents are not known?—Yes; I have a letter here in which one of them writes home for the purpose of bringing his brother and sister out.

4542. (*The O'Conor Don.*) You receive communications from several of the convicts after leaving the country?—From everywhere; the above man's brother is a convict at the present time; he himself worked out his passage to some part of America, and he has been writing home now for the purpose of bringing out his brother, and offering money to help the brother out.

4543. (*Sir J. Pakington.*) A convict in America has written to his other brother who is also a convict?—Yes, and he is under my charge now; he is a convict waiting for his discharge in the intermediate prison, receiving the same sort of instruction as his brother did before. This is the letter—"My dear brother, I received your letter of "November 30th, 1862, on the 15th January 1863, and was very "proud to hear of your coming so soon to visit this city. I had no "idea of your being so near the expiration of your term; however, you "will not be like me, you will have a home before you, what I had "not, nor much less a friend. I was only four days without work "after landing, and then had to work for very little, at the tailoring "trade, until I got my hand in, and then I could do as good as the "best of them. But now I have worked myself out of the trade. I am "selling clothing through the country in the small towns where there "are no clothing shops; I bring as much as keeps me out for a month "and sell them by auction. They won't allow me to open a shop in "their city until I become a citizen, and that is two years from now. "You can go into no business in this country until you have been five "years in it. You cannot drive a horse and cart, and if they knew "me to be doing as I am it would be 50 dollars for every offence, and "100 in other parts. I only travel through the small towns in the "state, and they have never interfered with me yet, and if I get "two years more out of them I will not trouble them. I would "have paid my sister's passage long ago, but I thought she was too "young to come alone, and depended on her coming with you but I "was astonished when you said you had not heard from her; now "you have got to go to work and find her out, either where you are, "or before you leave Dublin. I would have tried to have had her "out long before now, but I meant to have her come with you. Now "you answer this as soon as you can, and I will pay your passage. and "you can pay for her. The last time I heard from her she was living "at—— Street, Dublin—that is two years now. I have never heard "from her since that, nor have I ever heard anything of — good or "bad; he had money enough to bring him out here, where he could do "good; if I had him here now it would be the best day for him ever "he saw. I could make him well to do."

4544. (*Mr. Waddington.*) The consequence is that many of these men do emigrate ?—Yes, they go to sea.

4545. I mean that they leave the country ?—Yes.

4546. Has not that proportion of them increased very much of late years ?—It has increased in Ireland generally.

4547. I mean the proportion of all the prisoners ?—We are rather steady in that respect.

4548. Are you sure of that ; has there not been a much smaller number left under your supervision of late years, more having gone away; for example, were there more than 10 left under your supervision in the year 1862 ?—I should say that there were more than 10, I am sure of it ; but I cannot speak of these returns you place before me ; they are not mine, and I know nothing of them.

4549. I am asking you with regard to the number ; has not the number who have been left under your care decreased of late years ?—Yes ; the number of those who have gone abroad has increased.

4550. Has the number who have been left under your care and supervision decreased ?—Yes ; but some of those who are discharged would never be under my supervision.

4551. Has not the number that has been left under your supervision decreased ?—The number that has emigrated increased last year, no doubt.

4552. And the number left with you has decreased ?—No, not the number left with me ; I have still a kind of stock on hand.

4553. (*The O'Conor Don.*) Have you as many under your supervision this year as you had last year ?—Yes.

4554. (*Mr. Waddington.*) I am speaking of the numbers who were discharged in the year 1862 ?—Yes, a great proportion of them went abroad.

4555. Fewer of those who were discharged in that year were left under you ?—Yes.

4556. Was it not the same case in the year before 1861 ?—Yes, of course the number who emigrated has been increasing, but then others have gone away.

4557. My question is this, has not the number left under your supervision decreased of late years very much ?—Yes, there is a growing anxiety for those men to get away from Dublin.

4558. What is about the length of time during which they have the advantage of your lectures at Lusk and Smithfield, for how many months ?—From four to 12 months.

4559. A man under a short sentence would have the benefit of them for about four months ?—Yes, a three years' man for four months, and a four years' man for five months, and so on. The longer the sentence the greater time they pass in the intermediate prison.

4560. Have you found any perceptible difference in the effect of your lectures ; for example, that a man who has the benefit of your lectures for 12 months is more reformed than a man who has the benefit for a shorter period ?—I prefer having a man under me for 12 months to having him under me for four months, because I think the effect will be greater upon him.

4561. What effect ?—The desire to amend.

4562. Is not that reform ?—I have never looked to reforming a man ; that is a term that I should not like to use. I would rather use the word " amend."

4563. Then you think that a man would be much more amended in 12 months than in four or five months ?—Yes, I think so.

Mr. J. P. Organ.
17 March 1863.

4564. Have the men who have relapsed principally been men who have been under you for short periods ?—Yes.

4565. Do you observe any difference in their conduct while at Lusk, so that you prophesy their relapse before they leave Lusk ; I think you stated that you did so while they were under your supervision ?—I do not prophesy their relapse ; I merely write my opinion of them. I could not say that until they were out again in the world.

4566. Do they appear to be as much amended while at Lusk as at any of the other prisons ?—Yes.

4567. You wish to get them in a very hopeful and buoyant state of mind ?—Yes, to encourage a distaste for crime, and a desire to live honestly and industriously. The *mens sana in corpore sano.*

4568. You endeavour to raise their spirits in every way ?—Yes, and to make them thinking beings.

4569. I believe those who relapse into crime never come back to Lusk again ?—No, they never can get back to an intermediate prison by any means.

4570. Are there no intermediate prisons now except Lusk and Smithfield ?—None at present, but there have been.

4571. Do you know when the old intermediate prisons were discontinued ?—I think that the intermediate prison at Fort Camden was discontinued about a year and a half ago.

4572. You had nothing to do with those old intermediate prisons ?—No.

4573. I understand that your supervision continues long after they have ceased to be under the legal control of the Government ?—Yes, it is a friendly supervision. If a man is out of employment I should endeavour to help him.

4574. You continue to assist them, and to report upon them to the police, if you see anything going wrong after the ticket of leave has expired ?—Yes, I should think it my duty to do so, if necessary.

4575. Do you know whether there are a good many who have been re-convicted now in the other convict prisons ?—No, I do not. I think I am pretty safe in stating that not more than five per cent. of the numbers who have been discharged from the intermediate prisons have relapsed.

4576. Do you know that there are 100 now in the convict prisons who have been re-convicted ?—No ; I deal with intermediate prisons only.

4577. (*The O'Conor Don.*) You know nothing about these returns ?—No.

4578. (*Mr. Waddington.*) The system pursued at Smithfield is different in some respects from that which is pursued at Lusk, is it not ?—In the intellectual department it is not.

4579. Your lectures are the same ?—Yes.

4580. Do you lecture in the evening or the middle of the day ?—In the evening.

4581. Both at Smithfield and at Lusk ?—Not on the one day ; Lusk is 16 or 17 miles from Dublin.

4582. Do you deliver your lecture at Lusk after the day's work is over ?—Yes.

4583. Do you find that the men are able to attend ?—They are very eager to attend.

4584. How many times a week do you give them a lecture ?—Twice a week at Lusk, and five times a week at Smithfield ; I go to Smithfield every Sunday evening.

4585. You have nothing to do with the discipline at Lusk ?—I never interfere with that anywhere.

4586. Do you hold competitive examinations sometimes?—Yes, every Saturday in Smithfield.

4587. Do you also do the same at Lusk?—No; Saturday is the day that I set apart for that. I am at Smithfield, that being my head-quarters, but I interrogate the men at Lusk upon the subjects that I have addressed them upon, and I might say that it is very nearly the same.

4588. Are there any of those men who obtain employment in Dublin except through your kind intervention, or do you obtain employment for them all?—Self-dependence is engrafted upon them, and they would be very glad if they could work themselves into employment without my aid.

4589. What proportion of them can obtain employment without your assistance?—I should say about 10 per cent.

4590. You obtain employment for the other nine-tenths?—Yes.

4591. (*Lord Cranworth.*) You mean, I presume, nine-tenths of those who do obtain employment, not nine-tenths of those who are discharged?—Nine-tenths of those who do obtain employment, residing and settling in my district.

4592. What proportion do those who gain employment through your intervention or without it bear to the whole number who are discharged?—I should say about from 60 to 65 per cent.

4593. (*Mr. Waddington.*) Of those who obtain employment, either through your intervention or by other means?—Yes, taking Lusk and Smithfield together.

4594. Do you exert yourself in obtaining employment for those men who are sent into the country and placed under the supervision of the police?—No, I could not do that.

4595. Does not the chaplain or some one else obtain employment for them?—I am not aware: those who go into the country and have their own friends or their own relations procure employment, I suppose, through them.

4596. You know nothing about those?—We have the means of knowing what they are at because they write for their gratuities, and when they do that, or for the balance, they state with whom they are working, and they get no part of their gratuities unless the police authorities or the head-constable to whom each convict reports himself certifies on the back of the letter that the man wants the money for a useful purpose, that his conduct is good, and that he is being employed by so and so.

4597. That is certified to the prison authorities?—Yes.

4598. Have you anything to do with the payment of the gratuities?—Nothing whatever except to recommend. For example, suppose I knew that a man wanted to purchase a pig, or to buy a bed or a suit of clothes, I write and say, "I beg respectfully to recommend that this "man may get so and so," knowing that he intends to apply it to a useful purpose.

4599. (*The O'Conor Don.*) That would apply to the men under your supervision?—Yes, and the police do that with regard to those men who are under their supervision.

4600. (*Mr. Waddington.*) To those who go abroad I suppose the gratuities are paid at once?—When it is fully understood that they are going abroad the gratuities are paid.

4601. Do you know whether their passages are taken for them?—No, they take their passages themselves.

4602. Is there not some mode of securing, when the gratuities are

Mr. J. P. Organ.
17 March 1863.

paid to them, that they shall be applied in that way; is not some security taken for that?—Yes, there is.

4603. By whom is that done?—That is done by me in my private capacity.

4604. Then you do assist them in taking their passages in order to emigrate?—I will tell you how I assist them. I have now before me a list of vessels belonging to a friend of mine, showing the different ports in which each vessel is, and on board anyone of those vessels I could get a handy boy or a handy man taken, who could mend a sail, or drive a nail, or go aloft. Then I tell these men of mine where the ships are, and I speak to the owner of the ship and ask him if he will be kind enough to give me a passage out for these men; he does so and that is how I assist them.

4605. Do you get a good many out in that way?—Yes.

4606. You do not care where they go?—No, I leave that for the convicts to decide. I do not interfere.

4607. (*Lord Naas.*) You do not conceal from the owner of the ship who the men are?—Never.

4608. (*Lord Cranworth.*) The 65 whom you mentioned includes those who obtain employment without your intervention?—Yes.

4609. So far as you know, what should you say as to the remaining 35 or 40; do they relapse into crime, or how are they disposed of?—Some of them go to sea, and others of them emigrate and they go away, I do not know where.

4610. It appears from the paper which you handed in, I think, that there are not above four or five in a year; that is to say, that there are only 25 in six years?—I am speaking of men who relapse in my district only, but others have relapsed throughout the country. I have been speaking of the city and county of Dublin only, but you have the whole of Ireland after that.

4611. What proportion of those who are discharged from Smithfield and Lusk are somehow or other disposed of in your district, as compared with those who are discharged out of your district?—By far the greater majority are disposed of by me.

4612. Of the whole number that are discharged from Smithfield and Lusk in the course of a year, by far the larger portion are discharged into your district?—Yes.

4613. Then from the paper which you handed in it would appear that from the time you first became connected with the establishment only 22 have relapsed?—Yes.

4614. Do you mean 25 altogether?—Yes, up to the last date.

4615. That was in 1862?—Yes.

4616. Then that would be only about four or five a year?—Yes.

4617. Do you mean that of the persons who are discharged not above four or five per annum relapse into crime?—In my district.

4618. (*Lord Naas.*) Do you know anything about the men who are discharged in places other than in the county or city of Dublin?—I know nothing about them.

4619. You do not know their number?—I do not.

4620. (*Lord Cranworth.*) Of those who are discharged from Smithfield and Lusk not above 25 you say have relapsed into crime in your district?—No.

4621. That is four or five a year?—Yes.

4622. Are you not pretty well satisfied that a very large number must have lapsed into crime somewhere else?—Yes, they may; they may have relapsed into crime throughout the country.

4623. (*Chairman.*) Many of them would naturally leave Dublin,

where they are well known to you and to the detective police, if they contemplated the commission of crime?—As a matter of course they would go where they would not be known.

4624. A man perhaps would go over to Liverpool, where there are greater opportunities for plunder than in the smaller towns?—I have never known them go there.

4625. (*The O'Conor Don.*) Those who are released upon licence you would report at once if they left your district?—This is the 17th of March; there is a report of mine due about this time, and if I found by inquiry that a man had left his residence and his employers, and I learnt through the neighbours round about where he was gone to, I should note that down, and then it would be read by the director.

4626. (*Chairman.*) May not these men, when they leave your district in Dublin, very easily go to England without your being aware of it, or may they not go to Belfast?—They cannot go to England without my being aware of it, neither can they go to Belfast; they may escape for a time. They can go to England when they like, as there are no means of supervision there, but I have not known more than 1½ per cent. of the men come over from Dublin to settle in England or in Scotland. Then if I take the case of a man going to Belfast, if he leaves his district, if on licence, the police are forthwith notified.

4627. But suppose that his time is fully up?—Then, as a matter of course, he can go wherever he likes. The Government has no control over him, and I do not know unless he tells me in a friendly way.

4628. Of late years, when short sentences have become the practice, the period of time during which they are under supervision is very short?—Very short.

4629. At the end of that very short period of supervision many of these men may relapse into crime in districts other than those with which you are acquainted?—Yes.

4630. In England and Scotland?—Yes.

4631. (*Lord Naas.*) In case a licence holder changes his place of residence without reporting himself to you, do you consider that that is a breach of the conditions of the licence?—Certainly; he may be robbing.

4632. What would happen in such a case as that?—Captain Whitty would notify the case to the police. I believe that he gives a certain time for a man to turn up, say a fortnight or so, and if he does not turn up he is then put in the "Hue and Cry," and his licence is revoked for leaving his place of residence without notifying it in the proper manner.

4633. Then the licence is always revoked in the case of a man who leaves his place of residence without notifying it to the proper authorities?—Always.

4634. That is if he is caught?—Yes.

4635. (*Chairman.*) Are there any persons whose licences have been revoked, without actually committing crime, on it being reported that they associate with bad characters?—If they go away from their residences without giving notice, so that we cannot find them out, their names are handed over to the police, and they are put into the "Hue and Cry;" their licence certainly is revoked.

4636. But suppose that a man remains in his residence in Dublin, but that you are aware he is associating with bad characters and frequenting public houses, would that man's licence be revoked?—Most certainly.

4637. Have there been cases of revocation for causes of that kind?—Certainly.

4638. Has there been any considerable number of them?—I am not

Mr. J. P. Organ. — 17 March 1863.

aware. I should feel myself justified in asking Captain Whitty for a revocation of that man's licence.

4639. (*Lord Naas.*) You have asked for the revocation of licences in such cases, and they have been revoked?—They have certainly, and the men are now in Mountjoy prison.

4640. (*Mr. Russell Gurney.*) Do you say that from 60 to 65 per cent. of those men who are discharged from Smithfield and Lusk obtain employment?—About 60 per cent.

4641. Take the last year, 1862, how many were discharged from Smithfield and Lusk?—I cannot state that.

4642. Do any of your papers show you how many of those came under your supervision who were discharged from Smithfield and Lusk in 1862?—I have not got the statistics with me.

4643. According to Captain Whitty's return, there were discharged from Smithfield and Lusk 142, and of those only 10 were placed under your charge?—The remainder were under the charge of the police only.

4644. There were only 37 under the constabulary, 10 under you, and 95 went abroad?—In that year. What I mean to say is, that of all the men who have been discharged, and who have found employment in the county and city of Dublin, taking 100 of them, I have provided for 65 of them.

4645. Then 60 or 65 per cent. do not get employment as you stated it before?—Of those discharged and remaining in my district.

4646. You are speaking, are you not, of only 10 out of the 142?—For that year.

4647. All the information that you can give the Commission applies merely to those 10?—Yes, for that year.

4648. Do you not mean that 60 per cent. of those 10 obtain employment?—I mean this. If you take 100 men now in the city and county of Dublin, I say that I have provided employment for 60 per cent. of those.

4649. That is the 10, or whatever the number is that remains?—Yes.

4650. For those you have obtained employment?—Yes.

4651. (*Mr. Waddington.*) I see that the whole number that has been placed under you since the commencement has been 243?—I do not know any thing about those returns.

4652. But is that number about correct?—I suppose so.

4653. I presume that no one is placed under your supervision except those who are discharged from Smithfield and Lusk?—Yes, they are, no matter where they come from. I have plenty from Spike Island.

4654. (*Mr. Henley.*) All who come into the city and county of Dublin come under your supervision?—Yes.

4655. No matter where they come from?—No, I always like to do them a good turn.

4656. (*Mr. Waddington.*) When you speak of 60 per cent. who obtained employment, does that include all those who come from Smithfield and Lusk and from Spike Island?—I confine myself to my own intermediate prisons, but if a man came from Spike Island and I found that he wanted to get work, I daresay that I would not refrain from giving him a helping hand.

4657. (*Mr. Russell Gurney.*) But you do not consider them so much under your personal charge as distinct from your official charge?—I know that if they went wrong it would not reflect so much discredit upon my character.

4658. (*Lord Naas.*) How many men are you reporting upon now in Dublin?—From 140 to 150.

4659. How many of those are licence holders?—On a list before me

Mr. J. P. Organ.

17 March 1863.

I have got about 23; but I cannot say with correctness, because the men have worked out the period of their licences.

4660. At the date of your last report how many licence holders did you report upon out of the 140 or 150?—I will supply an answer to that.

4661. Were there as many as 50?—Yes, I should say so; I find at the present moment that there are scarcely 25 ticket holders.

4662. (*Lord Cranworth.*) Supposing the number was 150, there would be 125 whose term was out; they would be expirees?—Yes.

4663. (*Lord Naas.*) Do you find that those men whose time is out, and over whom you have no absolute control, are disposed to meet you when you go to see them, and that they keep out of your way, or are they willing to meet you?—There is no difference between us now; it is just the same as at first at any time. I tell a discharged convict that I am so well known that if I pass by while he is at work, he is not to know me, nor am I to know him, lest his fellow-workmen might know what he was; but then in the evening, or in the early morning, when no one can see us, under an archway or hall doorway, or in my office I see these men, and I hold conversation with them, or at their own firesides, and that friendly feeling which existed at the commencement has not ceased to exist; but I think I am in justice bound not to recognize a man when that recognition might be injurious to him.

4664. You do not find any indisposition on their part to continue this intercourse with you which they were obliged to keep up while under their tickets of leave?—No; on the contrary, they appear to be grateful for what I have done for them.

4665. (*Chairman.*) You find that any public recognition of them would be very injurious to them?—Yes; for instance, if they were surrounded by their fellow-workmen. I can give the Commission an instance of this; and I do not suppose that they would wish the greatest lord of the land to know them when they were at work, if the recognition by him could lead to the supposition that they had been in a convict prison.

4666. You think that their fellow workmen would refuse to work with them if their previous life was known?—They would torment them directly. I will give an instance. About seven miles from Dublin there was a gentleman who was building a large terrace of houses, and he came to me, requesting me to send him some of my men. I sent him some men, and good ones too, but by some means or other their fellow workmen came to know one of them, and then this took place: when one of the men was going up with the hod on his shoulder, one man over in the corner said, "Is that the way in which "you carried it in Spike Island?" and to another, "How did you like "so and so in Mountjoy?" The two men laid down their hods and went away; they could not work any longer in the place after that.

4667. Then the success of the system very greatly depends upon its being possible to prevent the men who have been discharged from being recognized as former convicts?—Yes, but in every case to let the employer know all about them. Also it proves that the Irish are not more tender in their feelings towards criminals than the English.

4668. Have you ever known cases in which the old associates of such convicts have endeavoured to use their power over them, and from a fear of being betrayed to extort money from them?—I have known cases of that kind, and when men are on the point of leaving me I impress upon them to the greatest possible degree the danger that will arise to them, and which they will have to meet amongst their old companions, because, if a well-disposed convict on being discharged is

Mr. J. P. Organ.
17 March 1863.

anxious to earn his bread honestly, and goes in amongst his former companions he is sneered at and he is tormented, in fact he has not any power to resist. I have known also in my tours amongst these people, where there has been a badly-disposed convict, much harm to be done; and I knew a case in which one of my men married a respectable woman, and one of his former companions had not at that time come out of prison, but when he did come out he found out where this well-disposed convict was, and he went into his house, and under the influence of drink they had some disagreeable words, and through spite and a kind of jealousy this badly-disposed convict told the other convict's wife what he had been, and consequently that led to results of a very unpleasant nature.

4669. Does it never happen that a man who means to do well is recognized in the condition of a workman by some former associate, and betrayed by him out of spite?—Yes, frequently under my notice that has happened.

4670. Therefore it is very desirable, if possible, that they should be sent to some new country where their former career would not hurt them?—Unquestionably, and that I do constantly point out to them.

4671. Whatever improvement might be made in the system of prison discipline it would still remain very desirable that convicts, after their discharge, should go to some new place where it would be more easy for them to pursue an honest course of life?—Yes, for I think that the advantages to a man in a new place would be more numerous; at the same time I would not have convicts after their discharge when they were free in the world link themselves with one another, or associate together. I would prefer to separate them and scatter them as much as possible.

4672. I gather from what you have stated that you think the short sentences which have been recently passed on convicts very objectionable?—I think them most objectionable.

4673. Do you think that the period of three or four years does not give sufficient time for the full working of the reformatory system of discipline?—Unquestionably I do, nor any sentence under seven years. I think short sentences, especially in the case of habitual thieves, a waste of human suffering and a squandering of the public money.

4674. I believe that in one of your reports which has been laid before Parliament you say that long sentences and long remissions, and supervision during the remissions are desirable?—From the first time that I entered the convict service, and after having had a few months experience I saw the necessity for that, and I entertain the same opinion still. The opinion has become stronger and stronger every year.

4675. You think it is most desirable that, when a man is discharged from custody, there should be an interval before he becomes entirely free, during which he should be watched, and if he misconducts himself be sent back to prison?—I think that any system without that must be imperfect.

4676. Do you see any reason why he should not go through that last period under supervision in a colony rather than at home?—Of course in a colony there must be less temptation; but in any case, whether you discharge him at home or abroad, I should say let him have a long unexpired portion of a sentence to go through. I may add that in my opinion transportation, if we are to have it, should be a reward for the amending convict. I would keep the bad or incorrigible at home in close confinement.

4677. I also observe in your reports that you think it is of great importance that a man, while he is under discipline, should have a

strong motive to behave well, and to exert himself with the hope of reducing the period that he should remain in custody ?—I think if you deprive a man of hope, you upset him altogether.

4678 You think that there can be no good system of discipline in which a man may not earn a considerable remission of his sentence ?—That is my belief.

4679. Does it not appear to you that under short sentences of three and four years when a man can only by the best conduct obtain a remission of six months or of nine months, these motives act with much less power than under the old sentences of seven years ?—Yes, the longer the sentence is which is recorded against a man, the greater will be that man's desire to earn a remission of it.

4680. Is it your opinion that the hope of earning the remission of part of a sentence by industry has a much more wholesome effect upon a man's mind, than any other indulgence you could show to him in order to induce him to behave well ?—When you give a man hope, there is another thing which is very essential, and that is that you should give him a peculiar and special instruction ; you should give him a kind of intellectual training that will prepare him to take his stand again amongst the honest poor, and compete with them in the same labour market ; to suffer poverty and want as the honest poor do ; and hence the necessity for an intermediate system.

4681. You say that it is necessary for the purposes of discipline to hold out hope as a motive to a man to behave well, as well as fear of misconduct ?—Certainly.

4682. Is the remission of a part of his sentence a better mode of acting upon his mind than by holding out to him the prospect of better food, or gratuities, or anything of that kind ?—Yes, unquestionably it is so with Irish convicts.

4683. You think that it has more effect, and has a more wholesome influence upon his mind ?—Yes, a more cheering one. Hope is the pervading spirit of the Irish system ; the intermediate stages are but so many stages of hope. Archbishop Whately says that any good system of discipline "must have tucks in it ;" the intermediate stages are the tucks in the Irish system.

4684. You attach great importance to training convicts before they are discharged ; do you think that the system in the intermediate prisons of having school every evening after labour is valuable in that respect ?—Most valuable, and the reason is this : from early boyhood I have been accustomed to appear as a teacher of adult labourers, who, after the close of their daily toil, repaired to the night schools over which I presided, and I have seen those men anxiously embracing the opportunity they had in an evening, but I have never seen greater anxiety or eagerness displayed to improve themselves by men of the non-criminal class than amongst the men from Smithfield and Lusk.

4685. Although they do hard work during the day you have found no difficulty in inducing them to receive instruction for a certain limited time ?—No, they look forward to my going in amongst them with a kind of delight.

4686. Do you think it is desirable that that system of instruction should be continued during the whole time they are on the public works ?—I do not.

4687. On what grounds ?—Because the system of instruction pursued in the intermediate prisons is so peculiarly adapted to their wants outside that if you continued it from the commencement to the end all along they might get tired of it.

4688. Would it not be an advantage, with reference to perfectly

Mr. J. P. Organ. 17 March 1863.

ignorant men, that they should be provided with a more perfect system of instruction in the intermediate prisons, so that these men might be taught to read and to write?—There is no time for this in the intermediate prisons; besides the men are well instructed in the Mountjoy prison and in Spike Island.

4689. Do you think there would be any difficulty in the public works prisons in giving them that kind of ordinary elementary instruction at the end of each day's work?—I do not think so. It is given and well given by excellent national school teaching.

4690. You think that if it were practicable it would be desirable?—Yes, I am aware that what you suggest is done.

4691. It would be better, would it not, than taking them off the public works once in a week, to give them an hour or two's instruction every day, if possible?—I think I would let the work go on continuously during the working hours, and give them an interval of half an hour just to get their meals, and then to go into the school. I was always an advocate for giving the convicts instruction in the evening. I think that their minds are more settled after the day's labour.

4692. You do not think that they are too much exhausted by the labour of the day to attend to instruction in the evening?—I must confess that I do not know what the labour is which they go through in the English prisons, but I am speaking now from my own experience of 20 years when I say that I have never known people with us, in or out of prison, to be too tired, if they had a desire to improve. The Irish have a great anxiety to learn.

4693. You have no reason to believe that the labour at Lusk is at all lighter than the labour in our convict prisons in England?—I do not know anything about the labour in the convict prisons in England, but the works upon which our convicts are employed at Lusk are very slavish and very fatiguing indeed, especially in the winter time.

4694. They are, I believe, employed in draining?—Yes, and in subsoiling, sowing and mowing, and reaping.

4695. Is it a great advantage that they should be as much as possible employed in agricultural labour, with a view to their removing to the colonies?—I am certainly an advocate for agricultural labour, but at the same time if you teach a man a trade in prison, if he has a taste for it, and he is anxious to work at it when he goes out, I think it is very desirable, in the case of a weakly or delicate man, who is not very strong or capable of hard work, to teach him a trade. I have known several of these men, who have been discharged, and who had acquired a useful knowledge of a trade in prison, and when they entered upon it outside I have never known one of them to relapse. I can refer to a case to prove that; it is the case of a man whose father was a convict—both father and son were convicts; and there is another case of a man whose brother was a convict. He was a very bad character for years, and they learned the trade of shoemaking in prison. They were not perfect at it, but I should say that if a man who is discharged from Smithfield is eager to prosecute his trade afterwards, I look out for an employer, and I apprentice him for a year or two years, and if the gratuities are wanting I help a man out in that way, and he generally pays me when he can earn enough. There are three men of the real convict type who have learned trades in Smithfield, and here are my remarks upon those three men. One was "of criminal connections; is a returned convict." Another was "one of a daring gang of thieves." Another is "had got married since discharge, and has a comfortable house." I have seen these men, and I have never known

any of them to be for a week idle since they entered the ranks of the industrious ; but these men were not fit for agricultural labour. *Mr. J. P. Organ.* 17 March 1863.

4696. If you consider it so important to teach them a trade, what is the object in Ireland of keeping a man for the first four months without any labour of that kind when he goes to Mountjoy ?—I have nothing to do with the prison management of the Irish system, unless in the intermediate prisons ; therefore, I am not in a position to offer any remarks upon that.

4697. From your subsequent intercourse with these men do you think that the system of keeping them for four months without any interesting employment adds to the terror of their punishment ?—No doubt of it. I would not, unless upon medical grounds, take off one hour of the time.

4698. And sufficiently to compensate for the loss of so much time, during which they might be taught a trade ?—I think so, as far as Mountjoy is concerned. I wish to remark with respect to the marks that the convicts bear upon their arms, denoting the progress of their conduct, that I think they are very well devised, for it is a readable feature ; it enables you to see how a man is going on.

4699. (*Mr. Walpole.*) To work the system effectually in Ireland, would it not require some person like yourself to be always cognizant of each particular case, and to be watching it when a man came out on ticket of leave ?—By bringing them in small numbers previous to their discharge you can individualize. You can convert a prison into a kind of moral hospital ; you know each man's disease ; you know his antecedents, his connexions, and his inclinations ; and so you know more or less of him with respect to recommending his discharge ; and after discharge it certainly would be desirable, for I cannot overrate the importance of supervision.

4700. Suppose there was twice or three times the number of prisoners discharged in Ireland that there is now, and that they were scattered over the different parts of the country, could you work out the system without having some one like yourself to watch the cases and to report to the police officers ?—Under the police the system seems to go on very well, but of course the police system is not so much in detail as mine is. I should, however, not be afraid to say that if twice the number of convicts was discharged, and placed under me, I could give a satisfactory account of them.

4701. As I understand you, two things are quite essential in the system that you pursue to obtain employment for these people; one is, that you should carefully keep from the other labourers with whom they will be employed a knowledge that they have been convicts; and the other is, that the person who employs them should be fully cognizant of all the facts of the case ?—Just so.

4702. Does not that imply that there should be some person to watch almost every case, in order that those two requisites should be fully complied with ?—If there were such a person, it would be better; but then those men who go to their own counties, and whose crimes may not appear to be so very great—for instance, agrarian crimes—may be able to obtain employment through the interference of their friends, or upon their own previous characters.

4703. I want to know whether you think, without your aid, the system could be as well worked by the police alone ?—I think, as far as supervision is concerned, it might ; but, as far as provision for the men is concerned, I do not think they would consider it part of their duty to see to that, and I believe there would be considerable difficulties in the way of then aiding the men as I do.

Mr. J. P. Organ.
17 March 1863.

4704. (*The O'Conor Don.*) That would particularly apply, would it not, to large towns?—Yes.

4705. (*Lord Cranworth.*) You stated at the outset that you looked out for men whom you could recommend to employers?—Certainly.

4706. Therefore you, as it were, superintend every individual case?—Yes.

4707. You ascertain the characters of the men?—Yes.

4708. And consider what sort of employment a man is fit for, also to whom you should recommend him?—Yes. Suppose an employer came and said, "I want a trustworthy man." I will give an instance in point. Referring to a man that I could repose confidence in, I was asked this question, "Have you got a man whom you can recommend?" I said, "Of course." Having my own remarks and observations upon the character of every man under me, I examined my memorandum book. But I must first state that I am not at all for placing a discharged convict in in-door employment. I would like to have them employed out in the open air, and especially when a man comes out first I do not like to trust him too much.—But I will refer to the case I was about to state. When this inquiry is made I say, if I have one, "Yes;" if I have not, I say "No," and then, if I found that the employer to whom I had recommended the man was placing too much trust in the man, and placing at his disposal too much property, I should go to the employer and insist upon his removing the man from that post; because, if that man should fail, I should say, "I did "not recommend him on these conditions at all; if you place temptation in his way, and he fails, you will blame me and the system." I have gone and claimed for that man a discharge. If I have a man in whom I can repose confidence to a certain extent, I recommend him. An employer, in the county of Dublin, asked me for a trustworthy man. I sent him a man who I thought was a trustworthy man. Driving through a village some 10 miles distant from Dublin, on a Sunday evening, I heard some singing in a kind of public-house. I may mention that I am not ashamed, at any hour of the night or day, to go in anywhere. I went into this house to see if there were any of my men there—not that I should have recognized them, if I had seen them. My man was not there. I had a gentleman with me who went to see the working of the system, who was outside, and we saw three men, rather jolly, they were singing a song, and I saw that the centre man was my man. My friend said. "These fellows seem to be in very good spirits." "Yes," said I. I would not recognize the man; but I drove into town, and on the following Monday morning I went down to Sir Walter Crofton's office and told him the circumstance, and said, "Remember, sir, that our "character is at stake." And I wrote to the employer asking him to send him the man, which he did. I then brought down the man before Sir Walter Crofton, and if it had not been that the employer of the man and his brother came to intercede for him, that man certainly would have been taken up for a violation of his licence. This man went back, and what has been the result? An article that was used in the trade of his employer was sent in by a contractor, it was not equal to the sample submitted before the contract was closed; this man told the porter that it would not do, and that the next time he brought in anything of the same kind he would send him back. About a month afterwards another supply of the same article was brought just of the same inferior class, and 5*s.* were handed to the man as a kind of inducement to him to let it pass, and at the same time a promise was made to him of a Christmas-box. My man then went in deliberately to his employer

and said, "Here are 5*s*." The employer gave the man the 5*s*. and told me that as long as he had employment to give, he should never want it; the man got married and the employer gave the man and his wife work. In the other case, by the intercession of the employer, the licence of the man was not revoked.

4709. (*Lord Cranworth.*) You say that you met those three men, and the convict whom you had recommended for employment was one of the three, and the party was singing ?—Yes.

4710. (*Lord Naas.*) In point of fact they were drunk ?—They were half-and-half, as the saying is.

4711. (*Lord Cranworth.*) You brought him before Sir Walter Crofton intending to have his licence revoked, but the employer interceded in his behalf ?—Yes.

4712. From the circumstance of seeing one of these ticket-of-leave men singing and behaving in rather a loose sort of way on a Sunday evening, if it had not been for the intercession of the employer would the ticket of leave have been revoked ?—Not if the man had been sober; he might of course have been singing ; that was no breach of the conditions of his licence.

4713. (*Lord Naas.*) His ticket of leave would have been revoked for being drunk ?—Yes.

4714. (*Chairman.*) You had no doubt when he was coming out of the public-house that he was partly drunk ?—No.

4715. (*Mr. Waddington.*) Which do you think are the best men, those who go abroad, or those who remain at home under your supervision ?—If I were to say those who go abroad there is no test, but if I were to say those who remain at home, I think it is only fair to take those who have remained at home and take those who have gone abroad and place one against the other.

4716. (*Mr. Russell Gurney.*) Do you think they are about equal ?—I do not mean that, but I want you to take it as I put it. I think that is the best way of meeting it. My honest belief is that those men who have gone abroad have been better inclined than the men who have remained at home.

4717. (*Lord Naas.*) It has been often said that the class of men with whom you have to deal in Ireland are not as hardened, or as difficult to manage as they are in other countries. Do you believe that among the men you have had under your care would be found as desperate criminals as anywhere else ?—I do. I cannot understand that argument that is used, that we never have habitual criminals and great ruffians in Ireland. I suppose it is because things went on so smoothly that it has been supposed we were dealing with children.

4718. Is there not a class in Dublin and in the large towns in Ireland who do follow crime as a calling ?—Yes.

4719. With whom these men, when they leave the prison, might associate at once, if they chose ?—Yes ; I have seen their former companions waiting in knots on the morning of their discharge, and endeavouring to induce them to go with them.

4720. And the temptation to mix with their old associates, I suppose, is as strong in Dublin as in any other town ?—Yes ; I have known their former associates to come up 100 miles from different parts of Ireland in order to meet them on the morning of their discharge, and to induce them to follow them.

4721. (*Mr. Waddington.*) I suppose that you obtain employment for these men before they are discharged ?—I always secure a place for a man to put him in at once.

Mr. J. P. Organ.
17 March 1863.

4722. The great danger, I suppose, is at the moment of their discharge?—Yes.

4723. The important point is to have a situation ready for them at once?—Yes, so as to let them go from the prison door to a home at once.

4724. (*Lord Naas.*) Do you believe that the supervision you exercise over these prisoners operates as an inducement to employers to give them work to do?—Yes, unquestionably; my bi-monthly visits are valued very much by employers, who frequently say to me, "I do "not like to speak to the man for doing so and so. You had better "do so; he will attend more to what you say than what I say." I have frequently, in a country place, got nine or 10 of these men behind a hayrick, and advise them what to do; in many cases they take a greater interest in their employment than ordinary workmen do, because they know that the employers have taken them out of prison and thrown, as it were, a cloak of protection over them.

4725. Do you think that if the employers thought your visits would not be continued they would not be so ready to give the men employment?—Certainly.

4726. (*Mr. Russell Gurney.*) Do the police ever interfere with persons under your supervision?—Never, unless I hand them over to them. The detectives know who they are, but they do not interfere.

4727. (*Mr. Henley.*) You have had no experience except in Ireland?—No.

4728. You know nothing of the proportion of the criminal class in Dublin as compared with the proportion of the criminal class in London?—No. I should say that the population in London is greater, and that therefore the proportion is greater; but I do not know how great that is.

4729. (*Mr. Bouverie.*) Are the men at Lusk lodged all together in one apartment?—Yes, in one hut.

4730. Do you think that that arrangement is satisfactory?—We have never had a case of complaint from the time the Lusk prison was opened.

4731. Do you think there is no reason to complain of the result of that practice?—No, I have always wished it.

4732. Do you think it is desirable that it should continue to be so?—I like it. I like to have everything open.

4733. You think that these men should be lodged at night all together, without supervision?—There is supervision; one man can see the whole. There is a partition, and in it is a window, which, when pushed back, enables you to bring all of the men under your eye at once. Of course the men are taught a certain morality, and a very moral tone pervades among them.

4734. (*Mr. Russell Gurney.*) You trust more to the influence of the men over each other?—Yes, the officer governs; but I really think the public feeling amongst the men, for they have a public feeling, and a strong one, is equally powerful. In fact, in these convict prisons there is a kind of morality that is understood amongst the convicts, so that one would be likely to bring another to justice if he violated the privileges of the place.

The witness withdrew.

Rev. J. H. Moran.

The Rev. JOHN HENRY MORAN examined.

4735. (*Mr. Waddington.*) How long have you been in the convict service?—Sixteen years on the 10th of this month.

Rev. J. H. Moran.
17 March 1863.

4736. Did you commence at the hulks at Woolwich as chaplain ?—Yes.

4737. How long did you remain there ?—Until November 1848. I commenced in March 1847.

4738. You were then transferred, I believe, to Portland ?—Yes.

4739. Upon the first establishment of that prison ?—Yes.

4740. You were first chaplain there ?—Yes.

4741. How long did you continue at Portland ?—Five years.

4742. To what prison were you then transferred ?—To Brixton female prison.

4743. Was that upon the establishment of that prison ?—Yes, when the public works system was commenced there, as far as it was applicable to females. Lord Palmerston, then Secretary of State, transferred me to Brixton in the same capacity.

4744. And there you have been, I believe, ever since ?—Yes.

4745. Will you be good enough to state to the Commission, generally, your experience of the conduct of the prisoners, and the discipline at Portland, during the years you were there ?—It was in every way satisfactory. The discipline was such that it was most remarkable and pleasing. Captain Whitty and I laboured together there. He was the governor, as also was Captain Knight, both of whom are very superior men, and everything was in the most satisfactory state when I left the prison.

4746. Was there the same number of prisoners there as there is now, about 1,500 ?—No, between 900 and 1,000.

4747. Have you formed any opinion as to the diet at that time ?—I did not think it excessive. The state of the climate there was very exhausting. I remember a prisoner saying to me that "it was like living two days in one." Portland, for delicate constitutions, was excessively trying. I know that from my own family, so that at that time I do not think that the allowance of food was in any way excessive.

4748. It was somewhat increased when Captain Whitty was governor, and upon his representation, was it not ?—Yes, I rather think it was. There were some prisoners who had come from Wakefield, where I know the diet had been reduced, and they were in a terrible state of health when they came to Portland.

4749. They had been kept at Wakefield in separate confinement, and they came to Portland in a very debilitated state of health ?—Very debilitated indeed, both in mind and in body.

4750. Did you deliver any lectures to the prisoners when you were at Portland, besides giving the ordinary services in the chapel ?—Not lectures, but on a Sunday evening I gave catechetical instruction, read the Scriptures, and at times in the school I gave them information, and gave them extra instruction in that way.

4751. Did they pay attention and appear to profit by your instruction ?—Most decidedly ; there was a large number of men who did most decidedly appear to be improved. One does not like to speak of men in prison, but as far as I could judge their conduct was very satisfactory, and I had reason to think that a great many of them turned out very well afterwards.

4752. (*Mr. Russell Gurney.*) Have you kept up communications with any of those men since that time ?—I did for a long time ; I used to hear from some of them in the colonies, and from some of the others in different parts of the country.

4753. (*Mr. Waddington.*) You have had experience both of the

Rev. J. H. Moran.

17 March 1863.

system of 1853 and of the system of 1857 ?—Yes, I have had experience of both.

4754. In what year did you leave Portland ?—I was transferred to Brixton in the year 1853.

4755. You have had no experience of the proceedings under the Act of 1853 in Portland prison ?—No.

4756. Will you be good enough to give the Commission a statement of your duties at Brixton ?—In the morning I generally go to the infirmary before the hour of chapel and there have a short service ; I visit the sick, I then have service in the chapel at a quarter past 9 in the morning which lasts for 25 minutes, including a lecture of about a quarter of an hour every morning. After that I usually visit the refractory prisoners and attend to some office work ; I then visit the school and see those prisoners who may wish to see me, or I see those who are going to Fulham, and I give them a word of advice. And once a week I make it a point to see every prisoner.

4757. What is the whole number of prisoners in Brixton ?—About 600. My visit must necessarily be short, as it is a weekly visit that I make, but I make it a point to go round when they are sitting or standing at their doors working, and speaking to them ; I see them also in the exercising yards or at the schools, and if any one wishes to see me they can do so.

4758. You employ them at Brixton in association as much as possible ?—Yes ; there is a certain old part of the prison that was used as a house of correction for Surrey, and there the cells are larger, and the women are more in separation than in the wings, which are built on the same model as those at Portland.

4759. Are there yards in which they are exercised ?—Yes ; two and two walking round for an hour according to classification ; the time is extended when they are getting nearer the time of their liberation—I mean for exercise.

4760. Can you give the Commissioners an idea of the general nature of the classification ?—There is no classification as regards the nature of the crime.

4761. Then what is it ; is it the length of the sentences remaining to run ?—It is more as to the individual conduct of a woman ; she is classified according to that in a certain part of the prison. Those who are in the old part of the prison, generally speaking, are those who have either been refractory, or are not quite of the class which entitles them to further association, or who are invalids ; they are obliged of necessity to be in association on account of the order of the medical man—when they enter into the wings—there are two wings, one to the east and the other to the west, or No. 1 and No. 2. The women in the second class are all in one wing, and the women in the first class are in the other wing ; they are in a brown dress in the second class and a green dress in the first class.

4762. Is there any difference in the diet of the two classes ?—Yes, there is. Those who are in the second class have tea three times a week, and I think gruel on the other evenings ; while those who are in the first class have tea every evening. There is a difference in the gratuities of the women in the second class ; for industry and good conduct they can gain a gratuity of from sixpence to eightpence a week, and a woman in the first class can gain from eightpence to a shilling a week ; that is the utmost.

4763. What is your opinion of the effect upon these women of the prospect of a remission of their sentence to be obtained by good conduct ?—There is nothing which can have such an effect upon a prisoner as

that; a small remission, however small, will have a more telling effect upon them than any indulgences they could receive.

4764. They show very great anxiety to be liberated, do they not?—Yes, they do.

4765. Are they very impatient; you have seen both male and female convicts; and which do you think are the most impatient of imprisonment?—The females are of course not able to control their feelings so much as the male prisoners, and they are subject to much more violent impulses in every way, which render them less disposed to be patient in times of difficulty. With regard to the male prisoners, when I left Portland, there were 300 men who had expected, some of them, a year before to have been sent to the colonies, according to the promises which had been held out to them by the Government; there were printed notices, and they had their reasonable expectations disappointed; but they conducted themselves nevertheless in the most satisfactory manner during the whole of their time there; and they waited with patience, knowing the Government were disposed to help them if they could, seeing the difficulty that there was in sending them to the colonies.

4766. They were discharged I suppose with ticket of leave in this country?—Yes, as a necessary consequence, in order to keep some faith with them, as they could not be sent abroad.

4767. I suppose there is always more difficulty in procuring full employment for the females than for the males?—Very much more difficulty, both in and out of the prison. There are about 100 women whom we can well employ in prison in laundry work; they work and wash for Brixton, for Millbank, and for Pentonville prisons.

4768. How are the others principally employed?—In needlework, except a few who are employed in the kitchen; all the baking is done by the prisoners.

4769. Is the needlework done for other prisons?—For some. Some of the great houses occasionally send work for them to do, but there is a great scarcity of work, and great difficulty in obtaining it, this the prisoners do not like, as they would much rather be employed, and they feel themselves very much disconcerted when they have no work to do.

4770. Have you, in addition to the ordinary prison warders, lady Scripture readers?—We have two lady Scripture readers.

4771. Do benevolent ladies also attend?—Yes, Miss ——, and a few others who are appointed for that purpose, and the prisoners value their visits extremely; they have been very useful to us in finding employment for the few who are anxious to get into service or to the Elizabeth Fry Refuge. We have four schoolmistresses who are diligently employed in instructing the prisoners, which in reference to the females is indeed exceedingly needed, for the state of their education before they come into prison is very lamentable. Out of 1,706 female prisoners who entered Brixton prison from 1853 to 1858, 851 of them were entirely uneducated, 615 could read and write; but they had learnt that chiefly in other prisons before they came into our prison 50 of them could read a little, and ten might be said to be tolerably educated out of that number.

4772. (*Sir J. Pakington.*) What number did you say were entirely uneducated?—851 were uneducated.

4773. I presume you mean that they could neither read nor write?—Yes.

4774. And as to 615 of those received into your prison, what education they possessed they obtained in other prisons?—Yes.

4775. What was the state of their religious knowledge?—It was

Rev. J. H. Moran.

17 March 1863.

very limited indeed ; they were hardly acquainted with anything ; at all events nothing to serve as a principle to assist them.

4776. They were hardly acquainted with the merest elements of religion ?—No ; I have made it also a point to see every woman who has since come into the prison, and I have made a short note in order to show the state of their education, and their state in reference to the Sabbath and public worship, and I find with reference to public worship there were last year, taking that as an instance, out of 300 who were received 282 who did not attend any place of public worship, and 18 who did sometimes attend.

4777. Have you met with any such cases as those which were described in the reports of the late Mr. Clay of Preston, and who it appeared were unacquainted even with the name of the Saviour ?—No, I cannot say that I have met with such cases ; they know something about it.

4778. (*Mr. Waddington.*) A great many of these women, I believe, have been in different prisons before ?—Yes ; and in that way would hear something about it.

4779. There is a very large proportion, I believe, who have been previously convicted ?—Yes, a great many ; but not in the Government prisons ; they have been in the county prisons.

4780. Is it not generally after repeated convictions and confinement in the county prisons that these females are sent to the Government prisons ?—Yes.

4781. Those who are sent for stealing, I suppose, form a large proportion ?—Yes ; some have had as many as 14, and some as many as 40 previous convictions.

4782. Are you aware that some of the women from Liverpool have been convicted as many as 47 times ?—Yes.

4783. (*The O'Conor Don.*) Forty-seven times before being sent to the convict prison ?—Yes.

4784. Was it a short or a long sentence that the woman received in that case ?—I think it was a long sentence ; it was not in consequence of the previous convictions, but on account of the nature of her crime.

4785. (*Mr. Waddington.*) A vast number of these women have been prostitutes, have they not ?—I fear so ; but I do not think it wise to enter into that subject with them.

4786. (*Sir J. Pakington.*) Is there any considerable number of married women amongst them ?—A good number ; but the most troublesome are those who are perhaps from the ages of 18 to 25 —the young women.

4787. Do they not constitute a great majority of the prisoners ?—Yes, I think they constitute a majority of them certainly ; but there are a good many elderly women.

4788. Is not a large majority of them under the age of 30 ?—Yes.

4789. What do you think are generally the causes of their crimes ? —As to the causes of their crimes, I think they are drink and bad company ; they generally put it down to that, and to running away from home.

4790. (*Mr. Waddington.*) Are not a great many of them associated with professional thieves ?—Yes, I am afraid so, and the dupes of men who are professional thieves.

4791. I suppose you find very great difficulty in procuring any employment for them at the expiration of their sentences ?—Very great difficulty. The Prisoners' Aid Society has been very valuable in that way to us ; they have taken 131 of the women, but that is a small fraction.

Rev. J. H. Moran.

17 March 1863.

4792. Within what period have they taken 131 of them ?—Since they commenced their labours, which I think was in 1857, they have taken 131 from us, and of that number only five have been re-convicted.

4793. The practice, I believe, is for the women to pay their gratuities to the society, and then the society procures them situations ?—Yes, we have been enabled to do that, and of that number, as far as I can find out, only five have been re-convicted, that is of the 131 whom the society has received.

4794. (*Mr. Russell Gurney.*) I suppose it is the most hopeful cases that you recommend to that society ?—Yes, they are certainly the most hopeful cases.

4795. (*Mr. Waddington.*) It is a voluntary matter on their part ; you do not make it any part of the condition of their licence ?—Not the least ; it is done entirely on their own application. I believe that we should have many more if the society were in a position to take them up.

4796. Have you had many of them returned to you upon the revocation of their licences ?—69 have been returned to us since the prison was opened.

4797. What effect does that appear to have produced upon the prisoners ?—I think they are rather dissatisfied with it when they see others come back ; they feel, I think, that it is likely to tell upon themselves in its effects upon their future prospects. At the present time there may be said to be at liberty about 2,320 who were at Brixton.

4798. (*Mr. Bouverie.*) Within what period of time have they been liberated ?—Since November in 1853.

4799. (*Mr. Waddington.*) The greater proportion of them had been on licence for some time, I suppose at the expiration of their sentences ?—Those who were convicted under the Act of 1853 were liberated at the expiration of their sentences, but out of the whole number released we have had 277 returned to the prison either on account of the revocation of their licences, or from a conviction again for some fresh offence.

4800. (*The O'Conor Don.*) You have had 277 returned ?—Yes.

4801. (*Mr. Waddington.*) Out of what number ?—Out of 2,320.

4802. You say that those for whom you have obtained situations are extremely few ?—Very few.

4803. Did you happen to ascertain from those prisoners who were re-convicted the causes of their falling again into crime. Was it from being unable to obtain employment ?—Generally speaking, I think it has been from the use of intoxicating drinks and falling into that sad habit, but many of them, I am afraid, fall into crime again from finding it difficult to obtain employment.

4804. Would they get into the hands of their old associates, do you think ?—Yes, they have returned, at all events, improved in order and cleanliness and habits of industry, but they go back to their friends and find them just as they left them, with squalid people about them, and a miserable home, and there is very great difficulty in finding employment for them, and then of course they are tempted to fall into their old ways and habits again.

4805. I suppose that very few of them get into service except under the auspices of the Prisoners' Aid Society ?—Not very many of them, I think.

4806. Have you been able to obtain any situations of that sort for any of them ?—No, I have not been able myself ; one of the lady scripture readers has a servant at present in her employment, and she

Rev. J. H. Moran.

17 March 1863.

has been with her two or three years; she was a prisoner and is going on very well.

4807. That lady selected the woman from her own observation of her character and conduct?—Yes.

4808. With reference to the number of officers in your prison, do you conceive that it is sufficient, or what is about the number?—I think the number is about 40 for 600 prisoners.

4809. Do you consider that the officers are overworked, or that they are able to perform their duties well?—I think that they are decidedly overworked; the hours are too long for an efficient staff, because if illness happens to overtake three or four of the matrons the duty then becomes excessive, and, of course, as to leave, a matron may be looking forward every other night to leave from six o'clock, but she cannot have that indulgence if some one else is ill, she must take her place.

4810. Are they frequently laid up with illness?—They are, a great many of them, and they look very much worn out at times. I must say that I think the staff is not sufficient. If the staff was larger, perhaps the superintendent might be able to give an earlier leave of absence once or twice a week, and in that way give them a little time to recruit.

4812. If there were about 10 more do you think that would be a great advantage?—A very great advantage indeed.

4813. Is the prison tolerably healthy upon the whole?—Very healthy; there are very few deaths, and the people in the infirmary are, many of them, invalids who come from Millbank in that state, or they are received into the prison in an invalid condition.

4814. (*Mr. Russell Gurney.*) Does it occur to you that there is any mode by which there could be some supervision exercised over these women after they leave the prison?—I thought a great deal on that subject when I was at Portland. Captain Knight, the then governor, during part of the time, proposed a plan for surveillance by the police; he and I talked it over many times, but I could not agree with him then, and I have certainly had no reason to alter my opinion since.

4815. (*Mr. Waddington.*) What was your opinion at that time?—That it was not desirable, from the state of the convict feeling, and I think the feeling of the police towards the convicts, to place them under the police in this country.

4816. (*Mr. Russell Gurney.*) That had reference to male convicts?—Yes, but I entertain the same opinion with regard to the female convicts.

4817. Do you not think that there might be special agents appointed who might retain some supervision over the female convicts?—Yes, if it were such agency as that which is employed by the Prisoners' Aid Society, sanctioned by the Government, who would undertake to look after their interests and to pay them their gratuities, and to watch them, and if they were going astray to give a hint of that to the police. I think that nothing could be more satisfactory than that.

4818. You think that the best mode of proceeding would be by a voluntary society recognized by the Government. Supposing that that could not be obtained, do you think that agents might be appointed to watch over them?—I think they might; but having regard to the feelings of the prisoners, I do not think that in this country they would ever be satisfied with anybody to deal with them whom they did not consider to be their friends.

4819. You mean that no others could deal with them advantageously?—Yes.

4820. There is at the present time no one whose business it is to look after them during the time that their ticket of leave lasts ?—No one.

4821. That is, however, done to a certain extent by the Prisoners' Aid Society ?—Yes, when they go to them.

4822. And only to the extent of the 131 you have mentioned ?—Only those. I think it would be most desirable, and I think that the prisoners would be very thankful for it.

4823. You think that they would be glad to have some one on whom they could lean and refer to ?—Yes, some one on whom they could look as a friend.

4824. (*Mr. Waddington.*) You would propose something like the Société de Patronage in France ?—Yes, I daresay the Commission is aware of the opinion expressed by M. Berenger who visited this country some time ago. I have an extract here in which he speaks strongly upon that subject, and I saw in Paris M. Four, who manages the Société de Patronage in Paris, and has found the benefit of the working of that society there.

4825. (*Mr. Bouverie.*) Is that an independent society ?—It is quite independent. I do not think that the Government openly sanctions it, but I suppose it does give it some help.

4826. It is with the full sanction of the Government ?—Yes.

4827. (*Chairman.*) It receives no pecuniary assistance from the Government ?—Not that I know of.

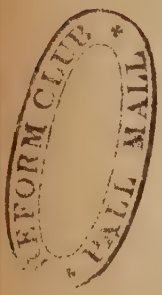
4828. (*Lord Cranworth.*) Do they obtain employment for convicts when they come out ?—I believe that they look just as the Prisoners' Aid Society does here for situations for them.

4829. (*Mr. Waddington.*) The society, I believe, was first established with the celebrated reformatory school at Metray ?—I am not aware of that, but I will read to the Commission what M. Berenger says :—"To "the liberated prisoner, disposed to live honestly, the surveillance of the "police is a burden, which, like the chains they have dragged about, "holds them up at all times and in all places as criminals ; deprives "them of the resource of obtaining employment, and, to the great "detriment of society, exposes them unceasingly to the temptation of "again entering upon a course of crime." With regard to the feeling of the prisoners towards voluntary associations for helping them, I will, with the permission of the Commission, read an extract from a letter that was written 10 years ago by a prisoner at Portland ; it was after the Smith Street Reformatory was established. I visited that place, and returned to Portland, and gave the men some account of the effort that was being made at that time. They were deeply interested, and thankful for it. The object of the letter was to obtain permission for a large body of the men to give a portion of their gratuities to support the Smith Street Institution, and the man says :—"Having "heard you speak, in a sermon delivered by you on the 6th instant, of "an institution in London opened for the relief of adults who have "fallen from the paths of honesty, permit me to express my feelings "upon that occasion. We are told that 'God is love ;' we believe it ; "but, were we inclined to doubt it, we have only to look round at the "many institutions established, 'for the relief of the blind,' 'the "dumb,' 'the sick,' 'the aged,' and for other charitable purposes, and "there see that love working through and by them whom God has "ordained to found and carry out His merciful intentions ; and con-"spicuous in this benevolent list stands the 'Home and Colonial Insti-"tution,' for the relief of adult criminals. Oh ! what a happy concen-"tration of love ; what a climax of charity. Who can hear it without

Rev. J. H. Moran.

17 March 1863.

" a grateful heart to God for His kindness in stirring up the hearts of " its founders for this good purpose; and who can sympathize with " those poor creatures, the objects of this charity, more than ourselves, " who have been many times in the like circumstances, without a kind " friend to advise us or to help us; afraid and ashamed to go near that " once happy home, now, alas! made sorrowful by the delinquency of " one of its members; wandering about miserable and unsettled, with " a willingness to do better, but without the opportunity of putting it " into practice."



4830. (*Mr. Russell Gurney.*) Did they give a portion of their gratuities?—It was not allowed to be done; it was thought to be irregular and it was not permitted—but it was their wish.

4831. (*The O'Conor Don.*) How are most of the female convicts in England discharged, is it through Brixton prison?—Yes, most of them.

4832. You say that since its establishment 2,320 have been discharged, and only 277 recommitted?—Yes.

4833. That, I believe, is somewhere about 12 per cent.?—Not quite so much.

4834. Do you believe that that proportion can at all be taken as the proportion who really have fallen again into crime?—I do not know; but the Home Office, I believe, has issued orders that in all the county prisons, where there were persons known to have been convicts, a report was to be made to the Home Office giving information respecting that point.

4835. You therefore would not believe that that fairly represents the number who have fallen again into crime?—I cannot form any opinion as regards those who fall again into crime; with respect to those who have been re-convicted, it must be so, because we receive all the prisoners who are re-convicted.

4836. (*Lord Cranworth.*) That is upon a reconviction, the sentence for which sends them to a Government prison?—Yes.

4837. (*The O'Conor Don.*) It would not at all represent those who had fallen into crime, those who had not been recognized, or those who had been in the county prisons?—Certainly not.

4838. A much larger proportion than those have probably fallen into crime?—I daresay it would be so; but, at the same time, as most of the prisoners return to their homes, and as they would be known in the neighbourhood if they had committed offences before, they would probably receive sentences of penal servitude.

4839. Have you seen the last report from the Liverpool gaol?—No, I have not.

4840. Will you please to look at that report (*the same being handed to the witness*). It appears that out of 207 female convicts released between the years 1856 and 1859, 73 have been recommitted, or about 35 per cent.?—It does not say necessarily that they were all in the Government prisons.

4841. They were all sentenced to various periods of penal servitude?—Yes; but to make it a fair statement as it regards the real condition of the prisoners, we must bear in mind, I think, that that is only one portion of the country; you must take the average of the whole, not the worst town in England.

4842. When you find in one particular town that 33 per cent. have been recommitted, and 97 out of 207 cannot be traced, and that only eight are known to be doing well, how can you suppose that only 12 per cent. on the average do fall into crime?—I do not make any such statement; I cannot form an opinion upon that point.

4843. One would imagine that this might be taken as proof that a very far larger proportion do not live creditably?—I do not think that, because Liverpool is not a specimen of the whole country, as it is the very worst place, and the greatest number of prisoners come from there altogether.

4844. Taking for granted that Liverpool is worse than most other towns in England, still, looking at the very large proportion that we find are falling into crime, and the very small proportion that we find doing well, we might be led to believe that you cannot calculate upon only 12 per cent. falling into crime?—There are others who cannot be traced, and may it not be said that many of them do not wish to be traced because they are doing well. I know many of them who wish to shrink from observation for that reason.

4845. (*Mr. Bouverie.*) Do you keep up any communication with these prisoners?—From time to time I often hear from them, and I received a letter yesterday morning. I constantly receive letters from some of them who are doing well; sometimes I meet them in the streets; I met a man in Regent Street who came up to me; I remembered his face, and he told me his name, and told me how he was going on. I have a long letter now from him that he wrote to me at the time I was leaving Portland, and he has been going on very satisfactorily since, and many others I have met in the same way. I am satisfied that many others are going on in a satisfactory manner.

4846. You stated that your opinion was against supervision of the convicts after they left a gaol?—Yes, decidedly.

4847. On what grounds do you found that opinion?—In the first place, I think it is no test of prison discipline as to what effect it produces; if you place a prisoner almost in the same position as a prisoner when you let him out of prison, and if he is watched at every turn, it is no test as to his principles or the benefit he has derived from having been in prison, or the system he has been placed under—that is one objection.

4848. You think that he ought to be able to run by himself?—Yes, if prison discipline is said to be good he ought to be able to stand alone without supervision. Then, in the next place, I think that while a man is in this country—I do not know what it may be in Ireland—but I hear there is a great deal said about the kindly feeling of the police in Ireland; but the prisoners I am sure look upon them as persons who are not disposed to be friendly to them, but the contrary, and they rather regard them with a sort of shrinking, from previous prejudices, perhaps. Then, in the next place, I think it would be ruinous to many whom I have known—some in London. There is one man now in ——— who has 300 men working under him, and he was at Portland when I was there. I am sure that if the police knew that man had been what he was his position would be very much endangered, for you cannot, I think, reckon upon every policeman being judicious as to keeping the secret, and letting the man earn his bread honestly. If this man was known to his friends even—for he employs 300 men—it would be most injurious to him. The man whom I met in Regent Street has a business in ———, and if it was known by the police, I have no doubt he would never have walked up to me to speak to me if he had thought that that would have identified him with the prison.

4849. Did that man belong to the regular criminal class?—No, he was not a man of that kind, but he was a man of avowed infidel principles when he came into the prison. I watched him for nearly five years every day while I was at Portland, and I had reason to be satisfied with him and a number of others. I must say that the state

Rev. J. H. Moran.

17 March 1863.

of education among the male prisoners is very different from what it is among the female prisoners—it is superior among the males.

4850. (*Mr. Russell Gurney.*) Are we to understand that the man to whom you have referred had committed only a single offence?—Yes, and there were many others of the same kind with whom I have had correspondence since; many of them have gone abroad; the most satisfactory men perhaps went abroad. Great care was taken in selecting those who were to go abroad, as to the mode of dismissing them and dealing with them when they were going out of the country, and trying to impress upon their minds the importance of doing good to others; I mean when they were sent abroad to finish their sentences, or to receive tickets of leave in the colonies. I think that if old offenders, and those who have been reconvicted and sent to Government prisons, were put under the care of the police when they came out of prison, that might be wise and fair, but I think I should give them notice beforehand; for one of the great evils that we have to contend with in the discipline of a prison is from changes taking place which have been retrospective affecting those who were in the prison before the change was made—that has been to us a very serious difficulty in many cases.

4851. (*Chairman.*) I understand you to say that if there is to be supervision you would prefer that it should be through some other agency, and that the police should only be called in in case of a man misbehaving himself?—Just so.

4852. With respect to the female convicts, I believe there has been a great abatement of their sentences, as well as in the case of male convicts, in the last few years, and that there has been a much larger number of sentences for short periods of years?—Yes, a good many.

4853. Do you think that those short sentences are well calculated to reform or to deter female convicts from the commission of crime?—If they have been convicted before, and have been in the county prisons many times, I think it very doubtful, but if it is for the first offence that they are sentenced for three years, I think that seems quite enough.

4854. You think that three years are sufficient to allow the discipline in penal servitude to produce a proper effect upon them?—Yes, in those cases that I have mentioned.

4855. I believe that at Portland there was evening chapel service always?—Morning and evening; and I ought to have mentioned that at Brixton it is the same; we have service in the afternoon at half-past four.

4856. You think that the evening chapel service is of use to the men?—Yes, most decidedly it is of use. I know it is to the women.

4857. With regard to the men, do you think that when they come back from their day's labour the evening chapel service is of use to them or not?—I cannot say that I have found it otherwise than of use to them; there might be a few who thought differently about it, but generally speaking they were deeply interested in the lectures. At Portland our time for the lecture was in the evening, because in the morning the service was at a quarter-past 6, and was over at half-past 6. In the evening it lasted 25 minutes, including the lecture.

4858. At Portland were you in the habit of visiting the men in their cells?—Yes, constantly.

4859. Do you attach much importance to those visits being paid?—Very great.

4860. Did you pay those visits without being asked to do so by the men?—Yes; I tried to see them all.

4861. If the present practice is not to pay visits to the men individually

Rev. J. H. Moran.
17 March 1863.

in their cells, you would think it is a change for the worse?—Yes, decidedly. I now find a difficulty, and I do not quite like the female prison on that account quite so well. There is, of course, greater restriction in the mode of visiting them. I can only see them at their doors sitting there, and I there talk to them. I think it would be very unwise to go into the cells and sit down; if I did so the Act of Parliament requires that there should always be a female attendant present. That being so I do not find that the visits are quite so satisfactory as I could wish, but the information that I want I can get more from the lady Scripture readers who go in and sit down and talk to them.

4862. You think that in order to produce an effect upon the minds of the male convicts, it is necessary that the chaplain should see them individually?—Yes; I could not have got on at all without it.

4863. Not only when they are in separate confinement prisons, but when they are in public works prisons?—Yes.

4864. You think that there should be a sufficient number of chaplains in all prisons to enable this duty to be performed?—I think so.

4865. (*The O'Conor Don.*) It appears by a return presented to this Commission respecting the number of female convicts who have been re-convicted during the last six years, the total number being 284, that 224 out of that number were re-sentenced during the last three years, and only 60 during the first three years. Can you give any explanation as to that extraordinary discrepancy between the first and the last three years?—I cannot account for that. I think that at first the difficulties were not so great, and probably that the female prisoners obtained employment more readily, but since that a very great outcry has been raised against the prisoners, both male and female. App. No. 3. N.

4866. Do you think that a far larger proportion have re-fallen into crime within the last three years than within the first three years?—I think that is probable, but I cannot speak to the fact.

4867. (*Lord Cranworth.*) You stated, I think, that you thought supervision might be of use in the case of a person who was sentenced after several previous convictions and released on ticket of leave?—Yes, I decidedly think so.

4868. What proportion do you think of the convicts who are in that category, having been several times convicted, bear to the whole body of those who have been convicted and sent to the Government prisons?—In reference to our prisoners, it has been 277 out of all who have been released.

4869. You think that supervision should only be exercised over those who have been twice convicted under sentences which have sent them to the Government prisons?—Yes.

4870. I suppose that a very large proportion of those in the Government prisons have been previously convicted with shorter sentences?—Yes, with shorter sentences.

4871. Would not supervision be as important and useful over them as over those who have been twice convicted under sentences which have sent them to the Government prisons?—It appears to me that, having undergone penal servitude and the discipline of a convict prison, it would be fair to give them a fresh opportunity to start in life.

The witness withdrew.

Captain I. S. Whitty.

Captain I. S. Whitty further examined.

4872. (*Mr. Waddington.*) At question 3598 I asked "Am I correct "in saying that the number of licence holders who have been dis- "charged from the intermediate prisons since they were opened has

Captain I. S. Whitty.

17 March 1863.

"been 930," and the answer was "I have no doubt that the return is "correct." Sir Walter Crofton complains that the 930, the number I have given, is not the number discharged from all the intermediate prisons, but only from Smithfield and Lusk. Sir Walter Crofton stated that there were other intermediate prisons?—Until 1861 there were two intermediate prisons attached to Spike Island. The returns here make a distinction, the one is a "Return showing the Number of "Male Convicts released on Licence from Smithfield and Lusk Prisons "during each of the last Six Years," that was one of the returns called for, and the other was a similar return for Spike Island and Philipstown prisons. Fort Camden and Fort Carlisle were always considered as part of Spike Island, but they were used as intermediate prisons. Fort Carlisle has been given up for a considerable time. Fort Camden was given up in 1861.

App. No. 10. C. & D.

4873. At the end of 1861?—No, it was some time about the middle of 1861.

4874. Was the discipline the same as at Smithfield and Lusk?—The same as at Lusk, just the same; part of the prisoners lived in barrack rooms and part of them in iron huts.

4875. Then my question would be correct if it were confined to Smithfield and Lusk?—Yes.

4876. Should I be correct in saying that the number of licence-holders who have been discharged from Smithfield and Lusk since they have been opened is 930?—Yes, taking the two returns together, including the supplemental one to December 1862.

4877. And those who were released upon licence from Spike Island and Philipstown were 431?—Yes, but that number includes 228 men who were discharged from the forts.

App. No. 12. C. & D.

4878. Your return for Spike Island and Philipstown includes those intermediate prisons?—Yes, 228 men. None of those would come into the supplemental return, because the fort was closed before that supplemental return was made out.

App. No. 10. F.

4879. With reference to the supplemental return for 1862 my question was perfectly correct?—Yes.

4880. With respect to the returns before 1862, a correction is required, and instead of intermediate prisons, the words "Smithfield and Lusk" should be substituted?—Yes.

4881. (*The O'Conor Don.*) The class who are discharged on licence from the public works prisons are a very peculiar class?—Yes, those who are discharged on licence are principally what we call grave offenders, we do not consider them entitled to the privileges of the intermediate prisons.

4882. Those who have committed agrarian crimes, and those who are called gentlemen convicts?—Yes, they are chiefly men with long sentences.

4883. Although they have committed the gravest crimes, they are not the most likely to fall into crime again, after being released?—No; they are principally persons who have been guilty of one very serious crime, or one or two very serious crimes, but they are not habitual offenders.

4884. Most of the habitual offenders who obtain licences would come I presume, to the intermediate prisons?—Yes.

4885. It appears by one of your returns that the total number discharged from the public works prisons, and sentenced under the Act of 1857, was only 12, and this would show that what you have stated about most of the men being long-sentenced men was the fact. Only 12 of them under the Act of 1857 were discharged under licence from the public works prisons?—Yes.

4886. The remainder were therefore sentenced under the old transportation laws ?—Yes, chiefly. *Captain I. S. Whitty.*

4887. Some remark has been made upon the manner in which these returns have been drawn out. Was it upon your recommendation that the returns were put in this particular form ?—We were required to supply certain information to the Home Office ; there was no form sent to us, only the headings, and we did it to the best of our judgment. What was to be included was stated in words, and we put it in the form that we thought would best answer the purpose. 17 March 1863

4888. (*Mr. Waddington.*) The returns are perfectly correct, with the single exception that you put those other intermediate prisons under Spike Island and Philipstown ?—If the terms "intermediate prisons" had been used, we should have put all such under one head, but being divided into prisons merely, and those forts being considered part of Spike Island, we so put them in.

4889. The comparison between the relapses will not be quite correct ?—No, the 431 will have to be subdivided.

4890. (*The O'Conor Don.*) You would not consider it fair to draw any conclusion as to results by taking merely one year, especially when a small number only was dealt with in that year ?—I think that a year is hardly enough to test a system by.

4891. Any results to be derived from the return of last year, would hardly be a fair test ?—I should think not.

4892. (*Mr. Waddington.*) Last year your system was in greater perfection than it had ever been before ?—We ought to improve, as regards discipline, but the effects of last year's treatment would not of course, be visible till some time afterwards.

4893. With regard to the return of the Dublin prison board, you wish to give some explanation. Referring to a return for the year 1861, it is said that the total number of the re-convicted persons, was 51, and of those 12 were sentenced to penal servitude, 35 to imprisonment, and four were discharged ; in addition to that of a total of nine, two were sentenced to penal servitude and seven to imprisonment ?—What we demur to in that return is that professing to give the total number of convicts who were recommitted to those prisons, they have included in their total and added up in it, a certain number of men who were not identified, and therefore could not be considered as re-committed convicts ; also some who had been discharged, so that those ought to be struck out ; the horizontal line of nine, not identified, certainly ought not to be considered as recognized convicts, neither ought the four that have been discharged to have been included. App. No. 9. A.

4894. You do not dispute the fact that 12 were sentenced to penal servitude, and 35 to imprisonment ?—No, not at all. In 1862, which is a year represented as rather unfavourable to us, it will be found that the number in those prisons had fallen off very considerably.

4895. (*Mr. Russell Gurney.*) Is it a fact that there are about three times as many sentences to imprisonment of returned convicts as there are sentences to penal servitude ?—Yes, in the year 1861.

4896. May this be taken as a fair year with reference to that point ?—I think not, for in the following year there was a very great reduction.

4897. I mean as to the proportion of sentences to imprisonment and penal servitude ?—I think not, it fluctuates so very much. The figures are quite corrrect, except those I have pointed out. I have not gone much into the matter of these city prisons, because they are independent of the government prisons.

4898. (*The O'Conor Don.*) Do you ever recollect receiving any

Captain I. S. Whitty.

17 March 1863.

communication from the authorities at Cardiff and Gloucester concerning a convict calling himself William Jones?—There was a convict so-called William Jones, and in either October or December of last year an application was made to our office from England to know what the description of a man was who stated that he had been in our prisons, calling himself William Jones. After a good deal of searching and correspondence with the governors of the prisons, we found that he was a man who had been a lunatic for nearly a year, that he had been twice in our prisons, that his name was John L———, and that he had gone off to England to look for employment, on discharge at end of sentence.

4899. Did he go to England upon your advice?—Certainly not.

4900. (*Mr. Waddington.*) How do you identify that man with William Jones?—We found afterwards that William Jones was L———, and that he had been in Cardiff, and, I think, in Gloucester; he was an eccentric character, an Irishman, and he would not go home to his friends in Ireland.

4901. (*The O'Conor Don.*) Do you think he went to England with a criminal intent?—I have no reason to suppose that he did.

4902. What objection did he make to going to his own country?—He said he had no friends, that would help him. He went to Plymouth, I think.

4903. (*Mr. Waddington.*) Out of those who were re-convicted in the last year, the 138, can you state the proportion who had been at the intermediate prisons, and those who had been at Spike island?—I cannot at this moment, but I will add that to the returns I am to send in.

4904. Be good enough to extend that to 1861 and 1862, distinguishing between the two classes?—I will.

4905. (*The O'Conor Don.*) The class of prisoners who are released from the public works prisons are a class not likely to relapse into crime, are they not?—I think not likely in general. I think that a great many of those have friends who are in respectable circumstances.

4906. (*Mr. Waddington.*) You do not send the agrarian convicts on to the intermediate prisons?—No.

4907. (*Mr. Russell Gurney.*) I think it was stated that the persons sent to the intermediate prisons were persons with respect to whom there was the most hope?—I think not; we have men convicted over and over again in the intermediate prisons.

4908. (*Mr. Waddington.*) The men who behave badly in prison are ever sent to those intermediate prisons?—No. Men who have been convicted of only one grave offence generally behave well, and indeed many of the others are invalids, who are discharged as such, and they do not go into the intermediate prisons because they are not qualified for work; they go away to their friends, and perhaps die with them. The men not sent to intermediate prisons are chiefly composed of these classes.

4909. (*Sir J. Pakington.*) When a man has his licence revoked, or he is re-convicted under a very long sentence indeed, is he kept at Mountjoy?—He re-commences a regular course of separate confinement in Mountjoy prison.

4910. But a re-convicted man never gets to Lusk?—Not if he has been in an intermediate prison before; otherwise he would be eligible for an intermediate prison.

4911. If his licence had some time to run, and it were revoked where would he be sent?—In the first place to Mountjoy, for separate confinement.

4912. (*Lord Cranworth.*) For eight months?—Yes, if his sentence lasted that length of time.

4913. (*Mr. Waddington.*) Suppose it was a long transportation sentence ?—Then he would go there. *Captain I. S. Whitty.*

4914. (*Lord Cranworth.*) Suppose a man's licence were revoked because he was seen to be rather tipsy ?—There is a distinction made with such cases. When a man is re-convicted, and his licence revoked for a criminal offence, we put him back to separate confinement, as having received a fresh sentence. In the lighter cases of irregularity we make a distinction ; they are returned there for a couple of months or three months, and then they go on to public works. 17 March 1863.

4915. Do you sometimes give them a fresh licence ?—In very few instances, and it has been when the offence has been very slight.

4916. When they have been reported for a breach of the licence regulations, do you sometimes only caution them ?—Yes ; on some occasions we send a letter to the inspector general of police, requesting that he will have the letter read by one of the constables to a discharged prisoner, in order to caution him.

The witness withdrew.

Adjourned till Friday next at 12 o'clock.

Friday, 20th March 1863.

PRESENT :

Earl GREY.	Mr. HENLEY.
Lord CRANWORTH.	Mr. WADDINGTON.
Mr. BOUVERIE.	Mr. RUSSELL GURNEY.
Sir JOHN PAKINGTON.	The O'CONOR DON.
Mr. WALPOLE.	Mr. CHILDERS.

EARL GREY IN THE CHAIR.

Colonel THOMAS HOLMES TIDY and Dr. THOMAS CRAWFORD, examined. *Colonel T. H. Tidy. Dr. T. Crawford.*

4917. (*Chairman to Colonel Tidy.*) You are acting Assistant Adjutant-General ?—I am. 20 March 1863.

4918. Can you inform the Commission what the practice in the army is as to marking deserters ?—The practice with regard to marking is that a man should be marked on a certain part of the body, on the left breast I believe, two inches from the nipple. The modes of marking have been various. At the present time the marking is done with a needle and with gunpowder.

4919. That is inflicted upon men who are dismissed from the army ?—It is inflicted on deserters only, and it may be inflicted by the sentence of a court martial every time that a man deserts, so that practically a man may be marked with any number of D's, in accordance with the number of his desertions.

4920. Will you explain to the Commission what the object of that marking is ?—That a man may be known again, and be prevented from re-enlisting.

4921. (*Mr. Bouverie.*) What is the size of the D that is marked upon the man ?—About an inch and a half ; I am not quite sure ; the 26th section of the Mutiny Act says, it is not to be *less* than an inch long.

4922. In what manner is the mark made ?—With a needle and with gunpowder. Dr. Crawford has seen the operation performed, I have not, and he will be able to describe to the Commission what the operation is.

Colonel T. H. Tidy. Dr. T. Crawford.

20 March 1863.

4923. (*Chairman to Dr. Crawford.*) Will you be good enough to explain what the operation is?—It is customary to cut out the shape of the letter on a piece of paper, to place the paper with the incised letter on the skin and to paint the blank space which represents the letter, with a composition of gunpowder and Indian ink. When this stain on the skin is nearly dry, the man charged with that duty punctures it with an instrument consisting of several needles fixed in a wooden handle, by which means the paint is carried into the texture of the skin and remains there. Afterwards a portion of the solution of the gunpowder is rubbed into the small punctures which have been made with the needles, and the man is prevented from interfering with the process until it is quite dry; when dry the letter is indelibly marked upon the skin.

4924. Is the mark quite indelible?—Perhaps not quite so. I think there is evidence to show that in some instances it has been obliterated by some contrivances.

4925. It is not, I suppose, obliterated without great difficulty?—It is considered indelible for all practical purposes; it is supposed to have been removed in some instances by blistering to an extent which destroys the texture of the skin, and thereby permits the colouring matter to be extracted by poultices; there are other ways in which it can be destroyed.

4926. Is it a very painful operation?—I should say not.

4927. (*Mr. Russell Gurney.*) Is it at all painful?—Many men submit to tattooing for the purposes of adornment. I have seen many soldiers in the service very much tattooed, which I think would not be the case if it was very painful; it is very common among sailors.

4928. (*Mr. Bouverie.*) Is it done with gunpowder?—No, tattooing as practised by sailors and others is generally done, I believe, with Indian ink alone.

4929. (*Mr. Waddington.*) Could it not be eradicated by cauterization?—Yes, anything that would destroy the skin would remove it.

4930. I daresay you have heard that the French forçâts have applied cauterization to remove the marks?—I think that the simple process which is commonly adopted is a succession of blisters.

4931. (*Chairman.*) Would there not be a scar left?—Yes, but it would be a scar different from the shape of the letter.

4932. If a scar was left that would be sufficient in the case of a convict to show that he had been convicted before in all probability?—It would leave an indelible scar in the position in which the letter had been on the skin.

(*Col. Tidy.*) I may remark that no medical man would accept a man as a recruit who was marked within two inches of the left nipple; I do not mean with the letter D, but with the obliteration. There is another mode that is adopted very much, and we find men repeatedly who are taken up on suspicion of being deserters, and who ought to be marked with the letter D; but who are marked with union jacks in that particular spot, or with dolphins, or other devices which they have adopted in order to get rid of the letter D, which they effectually do, and they are only known by their being marked exactly on the spot where the letter D ought to be, that is by having a new device tattooed upon that part.

4933-4. (*Mr. Henley.*) If I understand you rightly your evidence amounts to this, that a man who is anxious to get rid of that mark can to a very great extent obliterate the distinguishing mark, leaving a scar?—(*Dr. Crawford.*) That is my opinion.

4935. While a man who was pursuing an honest course of life might

Colonel T. H. Tidy. Dr. T. Crawford.

20 March 1863.

not care to obliterate it, and he would still remain marked?—Yes, I believe that is so to a great extent.

4936. (*Mr. Waddington to Col. Tidy.*) The great object in the army is to prevent the deserters from presenting themselves as new recruits and re-enlisting?—Yes, to prevent them from getting the bounty. I may mention that we have another mode of marking now according to the Mutiny Act of last year, which is, by imprinting the letters B.C. for "bad character," which mode is adopted in the cases of men who, having been recommended by a court-martial to be discharged with ignominy, and that recommendation being confirmed by the commander-in-chief, those men are marked with the letters B.C. as part of their sentence.

4937. (*Mr. Bouverie.*) Are they marked in the same place?—It is quite a new operation and very few men have undergone it, but a certain number have during the past year; they are marked on the right breast.

4938. (*Chairman.*) The object is to prevent a bad character getting back into the army?—Yes, formerly they were discharged with ignominy as bad and worthless characters, but they went away, and we found great difficulty with them for they got back in some way or other into the army; they might be very fine men physically, but otherwise base and worthless characters.

4939. (*Mr. Waddington.*) Is either of the marks which you have mentioned imposed except by a sentence of a court-martial?—No; a court-martial cannot sentence a man to be discharged with ignominy, it can only recommend to the commander-in-chief that the men should be discharged with ignominy, and be marked with the letters B.C. If the commander-in-chief approves of that recommendation and confirms it, then it is ordered to be done.

4940. Is it considered as part of the sentence of the court-martial, or as a part of the general discipline of the army?—It is the recommendation of the court-martial. The court-martial is not empowered to sentence, but only to recommend. It is carried out by direct order of the general commanding-in-chief, whoever he may be.

4941. Is it the same with respect to both the marks you have mentioned?—To be marked with the letter D is a part of the sentence of a court-martial.

4942. Is it ever inflicted without its being a part of the sentence?—No.

4943. The other is a recommendation only?—Yes, only to be carried out in the event of the commander-in-chief concurring in the recommendation.

4944. (*Lord Cranworth.*) That practice has only been in use for the last year or two?—No; the B.C. was only authorized by the last Mutiny Act that was published.

The witnesses withdrew.

Mr. J. Smith.

Mr. John Smith examined.

4945. (*Chairman.*) I believe you are governor of the Edinburgh prison?—Yes.

4946. How long have you acted as governor?—22 years.

4947. In the discharge of your duties as governor, have you had opportunities of judging what is thought of the punishment of penal servitude by convicts who have undergone it?—I have had many convicts who have undergone sentences of penal servitude who have been re-committed to the prison in Edingburgh during the last eight years; I have frequently conversed with them, and I can only re-

Mr. J. Smith.
20 March 1863.

member one or two instances where the parties dreaded again being sent to penal servitude. The punishment in itself did not appear to have been formidable to them, and it was quite common for them to speak with gusto of the light work and excellent rations in the penal servitude prisons. Repeatedly they have stated to me that an English convict prison was not only more comfortable than a Scotch county prison, but greatly more comfortable than a Scotch workhouse. After a sentence and before removal, returned convicts always grumble until they are removed to the superior comforts of the convict prisons.

4948. Do you think that the accounts given of the punishment by the returned convicts have or not the effect of rendering it formidable in the eyes of the criminal classes in Scotland ?—I do not think that the accounts given of penal servitude by the returned convicts have the effect of rendering it formidable in the eyes of the criminal classes ; many of them boast that the labour is light, and that the dietary is abundant and good. The punishment, excepting perhaps the few months of separate confinement at the commencement, was not formidable to themselves, and anything which they would say of it would not I think be calculated to make it appear formidable to others. The dietary, I know, not only from the statements of returned convicts, and the published dietary tables, but from having personally examined it in three of the principal convict prisons in England, is not only much superior to that of the Scotch county prisons and poor houses, but what is of much greater and graver importance, it is far superior to that which the honest labouring man or mechanic having a family to support can possibly procure. The struggle for bread is the main struggle of life, and no punishment ever will appear very formidable to the poor where for comparatively light labour there is good and warm clothing, excellent lodging, and abundant food.

4949. Do you think that the return of convicts to their native counties after having undergone a sentence of penal servitude has any injurious effect on the population, or that they are apt to lead young persons with whom they come into contact into the commission of crimes ?—Of course there are exceptions ; men who may have committed a forgery, a breach of trust, or a serious assault, (offences which the law could not visit with a less punishment than that of penal servitude) would not, in most cases, again commit a similar offence, even if they were discharged immediately after trial; and the return of such men to their native counties, if they have not been corrupted by being associated with thieves on the public works connected with convict prisons, is not, I think, likely to act very injuriously on the population, or on those with whom they come in contact. But the effect produced by the return of habitual thieves and burglars, by far the most numerous class, is, I believe, of the most injurious kind. Many of these having on the public works at the convict prisons, unavoidably perhaps, come into contact with the worst class of prisoners from the large towns in Great Britain and Ireland, and from all parts of the world, return to their native counties much worse than when they were sent away. Very many instances of this have come under my observation. It cannot be doubted that such returned convicts exercise a great and pernicious influence on the young.

4950. Do you think that it is or is not in general the wish of returned convicts to avoid returning to criminal courses, and to maintain themselves by honest industry, and when such is their wish do they find it difficult in Scotland to obtain employment ?—Excepting those mentioned in my answer to the preceding question, who have been sentenced for offences such as forgery, breach of trust, and assault,

Mr. J. Smith.
20 March 1863.

and excepting also a class who may be termed occasional thieves, and who steal only under the influence of intoxicating liquor, I have not observed that it is the wish of returned convicts to maintain themselves by honest industry. Those who have been habitual thieves appear to go at once to their old haunts and consort with such of their old associates as they can find. The competition of the labour market of this country is so great that the convict who wishes to do well is doubtless placed at a disadvantage. He has to contend against superior skill (which the well-doing man almost always possesses) and superior character, which enters as an element whenever the employer of labour can select his men. He has also against him the wholesome dislike which the honest labouring poor have to being associated in any way with persons who have been convicted of theft. The great want however is, I think, want of will to do well. Where there is great earnestness of purpose, as I have seen in one or two instances of returned convicts, they contrive to get on, although the struggle is a hard one.

4951. Do you think in Scotland that any attempt to exercise superintendence over the discharged convicts would increase their difficulty in maintaining themselves honestly, or that any mode of exercising such superintendence could be suggested which, without interfering with their obtaining employment, would enable the Government to remand into custody for misconduct convicts discharged with tickets of leave?—Supposing the police to be prudent and judicious, which as a body I think they are, I do not think that a superintendence exercised by them over discharged convicts would necessarily increase the difficulty of the well-disposed to maintain themselves honestly, and this appears to have been the opinion in Ireland. Sir Walter Crofton states that employers of labour in Ireland prefer to have convicts under the superintendence of the police, and I think that some plan of registration initiated by Government sending immediate notice to the police on the discharge of a convict out of custody, with a full description of his person and copy of his former convictions, would be found, if not sufficient to meet all the wants of the case, a great improvement on the present state of matters; such superintendence would practically be exercised only over the worst class, and might be arranged to cease as regards any well-disposed among them at the end of a reasonably long period, say at the end of two years.

4952. Do you think that it is an advantage to enable the convicts to earn, by good conduct, a remission of a certain proportion of the punishment to which they have been sentenced, and if so, have you formed any opinion as to the best mode of applying that principle?—Yes; I think it is important to hold out to convicts a motive for good conduct which they can understand and appreciate, and I think that there is no test but that of labour which could be depended upon in applying the principle. As a rule, the prisoners who are the most dangerous to society are the best conducted while in prison. This makes all marks for mere good conduct, in the observance of rules, &c., and all professions of amendment, perfectly fallacious as indicating their real state. Up to the measure of their health and strength, unremitting and continuous labour, the proceeds of which can be weighed or measured, or correctly estimated in money, along with good conduct continued throughout the whole period of imprisonment is, I think, if not a perfect test of the convict's desire to do well, the best that can be got. The proper application of this test would require specially qualified officers, and, owing to the suspicious character of the criminal mind, would be attended with difficulty. Carefully kept and supervised records of the labour of each prisoner, as well as of his general conduct, would be essential.

Mr. J. Smith.
20 March 1863.

4953. I believe that there are no male convict prisons in Scotland?—Until very recently there were none. Some years ago there were some male convicts who were detained in the general prison at Perth, and lately, I suppose in consequence of the number in the English prisons, male convicts have again been sent to the general prison at Perth.

4954. (*Mr. Waddington.*) Within the last three weeks?—Yes.

4955. (*Chairman.*) Do you think it is desirable that there should be a male convict prison in Scotland, and that they should be kept always apart from the English convicts?—I think it is very desirable. Convicts removed from Scotland to convict prisons in England, and employed on public works, are, unavoidably perhaps, brought into contact with prisoners from every part of England and from other countries. Some of them, no doubt, are bad enough before they are sent away from Scotland, but many of them are lads, and some are mere boys, who, were they retained in Scotland, might be made something of; but, once brought into daily contact with the most expert and the most depraved of the criminals which London, Manchester, and other large towns are constantly sending to penal establishments, they become depraved in the extreme, and return at the expiry of their sentences to Scotland such proficients in crime that their presence is a real calamity to the several localities from which they were sent. Besides, simple justice would seem to require that Scotch convicts should be kept in Scotland. It is clear that penal servitude is a greater punishment to a prisoner who is sent 500 or 600 miles away from his relations and friends than it is to one who is so sentenced in England, and removed perhaps only to the next county. A Scotch convict so removed cannot be visited by his relations. Many evils arise out of this, and among others it deprives the man himself of the home influences and sympathies which might often, through a regulated intercourse with his friends, be of a very beneficial kind. In the case of married men especially this is of great importance. Then, as to the food in the English convict prisons, it is very superior to what Scotch convicts have been accustomed to receive in their homes. One of the consequences of this is, that when they return they sulk and grumble at their humble food, and quarrel with their wives because they cannot get it of better quality. Frequent instances of this have come under my observation, and it would be difficult to overstate the grievous complaints, and great distress of many of the poor wives of men who had returned, after an absence of years, in such circumstances. If the men are to return at all to their families (which in many instances is not desirable, and hence one of the benefits of transportation), it is, of course, of great importance that they should return with their home affections as little alienated as possible. A convict prison in Scotland for males, where they could have a judiciously regulated intercourse with their relations, and a dietary wisely assimilated to that of the labouring man, would, I do not doubt, to a considerable extent secure this.

4956. Do you think there is any objection to the mixture of prisoners who are sentenced to penal servitude with those who are sentenced to imprisonment only at Perth?—I do.

4957. What is the nature of your objection to that mixture?—The dietary for the convicts is superior to that of those who are sentenced merely to imprisonment. It is impossible to keep this fact from coming continually before the minds of those who are merely sentenced to periods of imprisonment. Ill-regulated minds are very apt, I think, to regret not having a longer sentence to enable them to get a better dietary.

4958. Would it be impossible to assimilate the diets of the two classes?—I do not think it would be impossible.

4959. You have said that you do not perceive any impossibility in exercising superintendence by the police over convicts who are discharged with tickets of leave. Have you any observations to offer as to the mode in which such superintendence should be exercised?—I have read what has been done in Ireland, and I think that it might be more simple in Scotland. I do not think it is necessary, where towns are comparatively small, that a prisoner under a ticket of leave should report himself every month. If it were made a condition that he should report himself when he changes his residence from one town to another, I think that that might be sufficient to meet the wants in the small towns of Scotland. Suppose the case of a prisoner going from Edinburgh to Glasgow, I would make it a condition that he should report himself to the police before he did so; but I would not consider it necessary that he should report himself every month while in Edinburgh.

4960. You would not think it necessary to prevent convicts on tickets of leave residing in Edinburgh or Glasgow, or where there are facilities for crime afforded as in those great towns?—No; I doubt whether it is possible to prevent it.

4961. (*Mr. Walpole.*) I think in the earlier part of your evidence you made a very strong statement with regard to the dietary in England being considered by the convicts so superior to that which they have in Scotland, and that they have no great objection to returning to penal servitude again?—One of the reasons, I consider, is the dietary.

4962. Could you inform the Commission what the great difference in the dietary between the English system and the Scotch system is?—It consists not only in the greater quantity of provisions, but they are of a superior kind; for instance, in the English convict prisons they have tea and chocolate in the morning for breakfast along with bread.

4963. What is it in Scotland?—Oatmeal porridge, the Scotch national poor man's breakfast. The dietary for dinner in Scotland is bread and soup, the soup being made from barley, and a certain quantity of bread, about two ounces of bullock's head to each individual, boiled in the soup.

4964. (*Mr. Waddington.*) Are you speaking of the gaol at Edinburgh only?—No, of the whole of Scotland; it is all the same. There are three rates of diet; the first rate is equivalent to 24 ounces of wheaten bread per day—it has been considered so; the second rate to 30 ounces; and the third rate of diet to 36 ounces of wheaten bread per day.

4965. What is the reason for having the three rates of diet?—It is the length of the sentence.

4966. The longer the sentence the higher the rate of diet is that you give to the convicts?—Yes.

4967. Do you find that the health of the convicts under a diet of 24 ounces of bread breaks down?—We do not.

4968. Do they undergo any hard work during the time they are receiving those three rates of diet?—When sentenced to hard labour, according to the Prisons Acts for Scotland, they get 30 ounces, the second rate of diet.

4969. What is understood by hard labour in Scotland?—Turning the crank or picking a certain quantity of oakum; principally turning the crank.

4970. Picking oakum is not very hard, is it?—It depends upon the quantity.

4971. What are the sentences of the men who receive that higher rate of solid food, the 36 ounces?—I read from the dietary of the Scottish prisons, certified in 1854 by Lord Palmerston, as being proper:—

Mr. J. Smith.
20 March 1863.

"Untried prisoners shall be put on the second of the three rates of "diet"—30 ounces.—"Convicted persons under sentence of imprison- "ment for periods exceeding three days, and not exceeding two "months, and not employed at hard labour, shall be put upon the first "or lowest of the said three rates of diet, unless in any special case "where the governor and surgeon shall, on due consideration, be of "opinion that a higher rate is proper and necessary. Every such "prisoner shall be weighed at the date of committal under sentence. "and his weight recorded, and again at the end of a fortnight, when it "shall be the duty of the governor and surgeon to consider whether "the said first or lowest rate of diet be sufficient, particular attention "being paid to the large-bodied men and lads between 16 and 20, and "those previously accustomed to ample food and active employment in "the open air. Convicted prisoners under sentence of imprisonment "for periods exceeding two months, and not exceeding six months, and "not employed at hard labour, shall be put upon the second rate of "diet. Convicted prisoners under sentence of imprisonment for "periods exceeding six months and not employed at hard labour, "shall be put upon the third rate of diet."

4972. I think you said that there was a difference in the diet between those who were undergoing sentences of penal servitude, and those who were undergoing short sentences of imprisonment?—We have no prisoners undergoing periods of sentences of penal servitude in the prison with which I am connected, but I spoke then of the penal servitude prisons having a superior dietary.

4973. Is the reason of that superior diet the longer punishment which they have to go through?—I presume so; I do not know upon what ground the dietary was calculated, but I presume that that is the reason.

4974. Do the prisoners mind the lower rate of diet; does it operate upon them as a severe punishment, in your opinion?—They do not like the low rate of diet, certainly.

4975. What is your mode of punishment if the prisoners infringe the prison rules, do you alter the diet?—A prisoner who is under punishment for prison offences, for a period not exceeding three days, is put on 1 lb. of bread with water per day, we put them on bread and water for three days.

4976. (*Mr. Bouverie.*) What kind of bread is it?—It is what is called second's bread; that is, I believe, the allowance of bread to a soldier.

4977. (*Mr. Walpole*). What is the longest time they remain upon bread and water?—Three days, unless the offence be continued; it is then allowable to continue the bread and water diet.

4978. (*Lord Cranworth.*) For how long?—I have never seen it continued longer than five or six days.

4979. (*Mr. Waddington.*) Do the prisoners mind that kind of punishment?—Some of them do.

4980. But not all?—No.

4981. What are your other modes of punishment?—Confinement in a dark cell, and, if necessary, irons.

4982. Do you flog the men?—No.

4983. Which of those modes of punishment do the prisoners, as a class, mind the most?—The largest number, I think, are most affected by what affects the dietary.

4984. (*Sir J. Pakington.*) You spoke of the crank; is that a class of labour to which you resort largely in your prison?—Not very largely. It depends upon the magistrate; they must be sentenced to

hard labour. The governor has no discretion to put prisoners to hard labour; they must be sentenced to it.

4985. In the event of a sentence to hard labour, does not it rest with the governor whether that hard labour shall be at the crank, or at picking oakum?—The governor and the surgeon.

4986. Upon what principles is that question decided?—According to the physical power of a convict. If he is a strong fellow he is employed at the crank.

4987. I presume that the labour as to the crank is regulated by a given number of turns per day?—Yes.

4988. That again varies according to the physical power of the prisoners?—No, the weight of the crank varies according to the physical power of the prisoner.

4989. How many turns per day has a man to do?—The regulation is 14,400 turns per day.

4990. Is that for all men set to work at the crank?—Yes.

4991. Do you find practically that the labour at the crank is very irksome to the men, and very penal in its character?—It is irksome.

4992. Do they dread it?—I do not know that they dread it, but they certainly dislike it.

4993. Do you think it is deterrent in its nature?—I think for a certain class of the convicts it is.

4994. I believe the labour is wholly unproductive?—Yes.

4995. Do you think that the circumstance that it is unproductive adds to the dislike which the men have to do it?—I have no doubt of that; they have told me so.

4996. How many prisoners have you in Edinburgh Gaol?—There are at the present time from 300 to 400.

4997. It is regarded merely as a local prison, is it not?—Yes, for the city and county of Edinburgh.

4998. And it is for all offences short of penal servitude?—Yes.

4999. What is the maximum time for which prisoners are detained in that prison?—Prisoners sentenced to nine months and upwards are removed to the general prison at Perth; all prisoners sentenced to periods under nine months remain with us; soldiers sentenced by courts martial are not sent to the general prison; we may have them for two years.

5000. Are there many soldiers in the prison?—No.

5001. Are those who are in the prison subject to the same system of discipline as civilians are?—Just the same.

5002. All prisoners who are sentenced to periods above nine months are sent to Perth prison?—Yes.

5003. Therefore nine months is the maximum time at your prison?—Yes.

5004. Is the system pursued in Edinburgh Gaol the separate system?—It is so partly—not wholly; we have not the means of separation for all.

5005. Do you find that bread and water is practically a severe punishment, and that the prisoners dread it very much?—They dislike it, I do not say that they dread it very much.

5006. Have you the power of flogging them?—No.

5007. Is flogging allowed under any circumstances in your gaol?—No, and that was, I think, an omission in the Act.

5008. Do you wish that you had the power to flog?—I think it ought to exist in the Scotch as it does in the English prisons, where it is found most useful in repressing violent outrages and assaults.

Mr. J. Smith.
20 March 1863.

5009. You say that the system is partially the separate system ; to what extent is it separate or otherwise ?—When we have about 400 in the prison we generally have 300 in complete separation.

5010. Are the cranks fixed in the cells so that men in separate confinement can work at them ?—Yes, they are.

5011. You stated that you had never known above one or two prisoners who had been sentenced to penal servitude who had not spoken lightly of it as a punishment ; how many prisoners in all have you had under your care in that gaol who had previously undergone penal servitude ?—I think that that was scarcely my answer.

5012. Will you be good enough to explain that again ?—I stated that I had frequently conversed with all of them, and that I could only remember one or two instances where the parties dreaded being again sent away ; I did not mean to say that they had all spoken lightly of it, but that they had not exhibited any great dread or fear of it.

5013. Of the number of prisoners you have had under your care, can you state the number of them who had undergone penal servitude ?—I do not know the number that I may have had, but I hold in my App. No. 13 A. hand a return of the number of returned convicts who were committed to the prison of Edinburgh for the year ending December 1862, and I find that in that year 54 returned convicts were recommitted to the prison of Edinburgh. During the last 10 years 604 prisoners have been sentenced at Edinburgh to penal servitude, being an average of about 60 for each of the 10 years.

5014. All of those 54 being men who had undergone penal servitude ?—Men and women.

5015. Do you include persons who have been transported in that number ?—Yes.

5016. And who have served their full period of time ?—Yes.

5017. Can you give the Commissioners a similar statement for 1861, or any other previous year ?—I cannot ; I was not aware that it would be wanted, and this return was made out not for this purpose at all.

5018. We must probably consider the exceptions of one or two as applicable to that aggregate number of 54 ?—No ; I speak of a much longer period.

5019. And of a much larger number ?—Yes.

5020. (*Chairman.*) Was the number of persons who had been previously sentenced to penal servitude, and re-committed in 1862, materially different from the number of several years before ?—I do not know that it was, but I have made reference to the last year as being a complete year.

5021. Do you apprehend that upon examination the number for a few previous years would be found different from 1862, or about the same ?—Yes, probably it is slightly cumulative, for there is no doubt that, year after year, there would be a greater number of these men at large, although I believe it is a tolerably fair specimen of the preceding years.

5022. (*Mr. Waddington.*) You do not mean that those were all sentenced to penal servitude again ?—No.

5023. How many of those were sentenced to penal servitude again ?—During the past year 56 persons were sentenced to penal servitude in Edinburgh, of whom 15, or 27 per cent., were returned convicts.

5024. (*Lord Cranworth.*) Out of the 54 who came back in that year 15 were, in that same year, sentenced to penal servitude again ?—Yes.

5025. (*Mr. Waddington.*) You say that 56 were sentenced to penal servitude altogether ?—Yes.

5026. How many of those were sentenced to penal servitude again? —15.

5027. The others who returned to your prison were for much slighter offences?—Some of them were not very slight; some of them were for theft, but with short sentences.

5028. (*Chairman.*) Of those 54 who had been previously sentenced to penal servitude and sent back in the year 1862, many of them received only short sentences, although they had again committed not very trifling offences?—Yes, a good number of them.

5029. (*Mr. Henley.*) For what offences were they sent into prison? —The return I hold in my hand shows that "During the past year 54 "returned convicts have been committed to the prison of Edinburgh. App. No. 13 B. "Of these 54, 23 have been liberated from penal servitude or trans- "portation, and were re-committed to Edinburgh prison before the "expiry of their sentences of penal servitude or transportation, 10 of "them for theft, of whom four were re-sentenced to penal servitude." Six were committed for theft who were not sentenced to penal servitude. "The other convictions against said 23 were for assaults, "breaches of Public-house Act, and disorderly conduct, for which "last offence 19 convictions are recorded against one of them."

5030. Having disposed of 23 out of 54, what were the offences committed by the balance of that number?—"Of the 54 convicts, 37 were "imprisoned for offences committed after the expiry of their sen- "tences of transportation or penal servitude; 17 of these 37 were for "theft, one for robbery, and the rest for assaults, &c. &c."

5031. (*Lord Cranworth.*) That is for the re-committal of those crimes?—Yes.

5032. 37 were expirees?—Yes. "13 of them were re-sentenced to "penal servitude, one to 18 months' imprisonment, and the rest to im- "prisonments for short periods of 60 days and under."

5033. (*Mr. Henley.*) Then, out of the whole number of 54 persons, 10 of the licence holders and 14 of the others were re-committed for theft or robbery?—Yes.

5034. The others were for assaults?—Disorderly conduct, assaults, offences against the Public-house Act, and so forth.

5035. Offences not connected with theft?—Not necessarily so.

5036. What is the number of persons who pass through your prison in the course of a year?—From 4,000 to 5,000.

5037. Then the 54 persons are part of the 4,000 persons who pass through your prison, for various offences, in the course of a year?—Yes.

5038. Referring to the bread and water diet of which you have spoken, do the prisoners have anything in the shape of gruel besides that or not?—No; there is a punishment while undergoing which they have gruel, that is, for prisoners under punishment for prison offences for periods exceeding three days, one pint of gruel and eight ounces of bread for breakfast; at dinner they have eight ounces of bread, at supper one pint of gruel and eight ounces of bread.

5039. In cases of imprisonment for three days, do those prisoners have anything in the shape of gruel?—No.

5040. (*Mr. Waddington.*) I suppose the penal servitude men who are re-convicted and sentenced to penal servitude stay but a short time with you?—Only a short time.

5041. They are not sent to the prison at Perth, but remain with you until they are removed to the English prisons?—They were sent recently to Perth, but until that they remained with us until they were sent to the prisons in England.

Mr. J. Smith.

20 March 1863.

5042. Then I suppose they have the ordinary diet of the prison ?—Yes, with some exceptions, which lie in the discretion of the surgeon.

5043. Am I correct in supposing that no meat is allowed in any of the Scotch prisons except in the shape of soup ?—Yes, they have no meat at all.

5044. Whatever the length of the imprisonment may be ?—No, except in exceptional cases, which are in the power of the surgeon.

5045. As part of the ordinary diet, no meat is allowed to a man who is sentenced to two years' imprisonment ?—No.

5046. Two years are about the longest sentence that you have to deal with ?—It is the longest sentence that the sheriff with a jury can give in Scotland.

5047. The principal court in Scotland, I believe, is the High Court of Justiciary ?—Yes.

5048. Then the Circuit Court ?—The Circuit Court is the same as the High Court in authority, but not held in Edinburgh.

5049. Then the sheriff with a jury, and then the sheriff without a jury ?—Yes.

5050. I believe the sheriff without a jury tries a very large proportion of the prisoners ?—Not a very large proportion of the entire number.

5051. I mean of those committed for trial ?—Yes, he does.

5052. Of those committed for trial, I believe, he tries with and without a jury nearly one half ?—I think the proportion is probably about that.

5053. Above 1,000 out of 2,500 ?—Yes.

5054. With respect to the re-convicted persons not sentenced to penal servitude, are they numerous in Scotland ?—For short sentences they are numerous.

5055. Even the Scotch diet has not the effect of deterring them altogether from coming back into prison ?—It has not.

5056. You have spoken of the diet in the English prisons being superior to that of ordinary labourers in England ?—Yes.

5057. Is it not the fact that the ordinary agricultural labourers in Scotland very seldom get any meat at all ?—I think it is the fact that they do not frequently get meat.

5058. Therefore it would be a greater change in favour of a Scotch convict than it would be in the case of a convict who had been accustomed to meat as his ordinary diet ?—Yes.

5059. Do you find, as far as your experience goes, that the Scotch convicts who are discharged in England, either upon ticket of leave or at the expiration of their sentences, return to Scotland generally ?—I think they do ; I think very few remain in England.

5060. I believe there has been no increase of crime in Scotland of late years, but rather a diminution ?—Yes, there has been a diminution in the number of commitments to prison. I do not think there has been much diminution in serious crime, but in the smaller classes of crime there has been a large diminution.

5061. Has there not been any diminution in the number of sentences to penal servitude ?—I am not aware. During the last 10 years there have been about 60 every year sentenced in Edinburgh.

5062. In Edinburgh it has been about stationary, has it not ?—I think so.

5063. Have the terms for which they have been sentenced become longer, or have they been rather shorter ?—I think they have been shorter.

5064. Has that been the case with men who have been re-convicted,

as well as with persons who have been sentenced to penal servitude for the first time ?—I think it has been so with some of those who have been re-convicted, but that generally they have got longer sentences.

5065. When you spoke of the terror of the sentence did you mean to say that a very long sentence of penal servitude would have no terror for Scotch convicts, generally speaking, or was it only the short sentences that you spoke of ?—I spoke of the average sentence, three years, four years, and six years.

5066. Have you discussed the matter with any of those who have been sentenced to 14 or 15 years penal servitude ?—Yes, I have.

5067. What view did they take of the matter ?—They would rather have a shorter sentence, but they did not appear to dread very much even a long sentence.

5068. They did not express any horror of it ?—No, nor great fear.

5069. Have any crimes of violence been committed in Edinburgh of late by those persons who have been re-convicted ?—Not that I know of very lately.

5070. Have there been any highway robberies with violence, or any offences of that sort committed ?—There have been some robberies with violence, and not very long ago.

5071. Were they or not committed by old convicts ?—One of them was by an old convict.

5072. Can you state whether the convicts who returned to Edinburgh, as far as your experience has gone, were known to the police ?—Generally they are well known to the police ; those of them who belong to Edinburgh.

5073. Therefore, I suppose, without being placed specially under the superintendence of the police, they could keep a look out after them ?—Yes, and they do ; when they find that they are consorting again with their former associates or with people of the same class.

5074. Do many of these men obtain employment in Edinburgh, or are there many of them who are supposed to be thrown loose upon society when they return ?—I have known a good many of them obtain employment, but a great number of them, I am sorry to say, do not appear to seek after it.

5075. (*Mr. Henley.*) Can you state to the Commission the per-centage of the re-commitments in your prison?—I do not happen to remember it at this moment, but such returns are made up every year, the number of short sentences is so great that it is quite possible for a prisoner to undergo 12 sentences in a year ; I have known that to be the case.

5076. (*Chairman.*) For what kind of offences ?—For being drunk and disorderly, and offences committed on the street.

5077. (*Mr. Henley.*) That would be one way of accounting, would it not, for the number, if it be large, of the re-commitments ?—Yes.

5078. The number of the re-commitments you cannot tell us ?—I do not happen to remember the number at this moment, but it is large, and will always be large, because there are such a number of short sentences for offences of that class, street offences, drunkenness and assaults.

5079. Does the proportion exceed 30 per cent.?—I think it does.

5080. Do you think it exceeds 40 per cent.?—I think it does.

5081. (*Chairman.*) I suppose there is a class of drunken and disorderly people who are continually taken before the magistrates ?—Continually.

5082. There are also, I presume, persons who are very frequently convicted of petty thefts ?—Yes.

Mr. J. Smith.
20 March 1863.

5083. Is there a class of persons who come very frequently back into the prison for petty thefts ?—Yes.

5084. Are those persons, after several convictions, still only sentenced to imprisonment for short periods ?—Yes, only to imprisonment.

5085. In your opinion is it desirable, that after a person has been convicted three or four times, for thefts, he should escape with only imprisonment as a punishment ?—In answer to one of the queries I mentioned the class of occasional thieves, persons who steal under the influence of intoxicating liquor ; those are a class who continue often in pilfering cases to come back again and again, and I do not think it would be a very great advantage to sentence them for longer periods ; what is required in their cases is to break them of the habit of drinking, for the theft is only connected with drinking in their cases.

5086. Would it not tend to break them of the habit of drinking if after three or four sentences for theft they were sentenced to some considerable period of imprisonment ?—They would be kept sober, of course, during that time, but as soon as they could get access to intoxicating drink, many of them would again fall into the same habits.

5087. There is always, I suppose, in Edinburgh a class of almost professional thieves ?—Yes.

5088. Is it not desirable, whenever it is ascertained by three or four convictions that a person belongs to that class, that he should be removed for a considerable time by a long sentence ?—I do think that that would be very desirable.

5089. In the present state of the law that is frequently not the case ?—Not always the case, certainly.

5090. In the list that you have produced of returned convicts committed to the prison of Edinburgh during the year ending 31st December 1862 you have included, I suppose, those only who you know were returned convicts ?—Only those.

5091. May there not have been among the persons who have come before you a great number of returned convicts who had been convicted in other places but who had not been recognized ?—Yes, and for another reason that they go away as lads and return as grown men, and some of those who have gone away from Edinburgh may not be recognized ; there is also the class that you have referred to, those who have been convicted in other places. I do not doubt that a large number, at least a considerable number, is always in the prison of Edinburgh, and in similar large prisons, who are not known, and who have been convicts in some other place.

5092. They may have been convicted, for example, in Glasgow or in Perth ?—No ; I speak now of those who come from Manchester and Liverpool, and other towns in England.

5093. Have you a considerable number of English convicts in the prison of Edinburgh ?—There is not a very large number of English convicts. If a stranger commits a theft in Edinburgh who is not known to be a convict he receives a sentence of 60 days ; if it were known that he had been a convict he would be tried by a jury, and probably receive a sentence for a longer period ; but although a strong opinion is entertained, amounting almost to certainty, that a man is a returned convict, yet if he cannot be identified as such he escapes with a short sentence.

5094. Would it, in your opinion, be desirable, if possible, to organize some means by which those who have been previously convicted might be recognized ?—Yes, exceedingly desirable I think.

5095. Would it be possible to organize any system or any better

means than now exist of ascertaining whether a man who is brought up for crime has been previously convicted or not?—I think so. I think it might be done.

5096. In what way do you think that might be accomplished?—In the case of those who have been discharged with tickets of leave, or convicts whose sentences have expired, I think that if a return were sent to all the police stations and to all prisons on the discharge of these men, many of them would be recognized from the full description that would be given of them, were they again to commit themselves—but that is not the case now.

5097. I suppose the convicts frequently change their names?—They do. The name is nothing, it affords no test.

5098. Do you think it would be possible by a full description being furnished from one prison to enable the governor of another prison to recognize a criminal who might come to him?—I think so, with the aid of photography.

5099. And that there would be great advantage in doing it?—Yes.

5100. Do you think it is a matter of importance in order to guide the courts in awarding punishments to criminals who are brought before them?—I think it is exceedingly important.

5101. (*The O'Conor Don.*) I think you stated that amongst those prisoners who were recommitted very frequently to the gaol of Edinburgh there was one discharged convict?—Yes, in the return from which I quoted.

5102. Was he a licence holder?—I was referring to a female.

5103. How often had she been recommitted?—There were 19 convictions against her.

5104. During the time she was out on licence?—Before the expiry of her sentence; she was not a licence holder, she had been guilty of disorderly conduct.

5105. (*Lord Cranworth.*) What was the length of the sentence of penal servitude?—She was convicted in 1840.

5106. (*Mr. Waddington.*) What was the length of her sentence?—Seven years; she was discharged in 1844, and there have been 19 convictions against her.

5107. (*Mr. Russell Gurney.*) When was her first re-conviction?—In 1844; this was a transportation case; the heading in return is "penal servitude or transportation."

5108. (*Chairman.*) There was no possibility of revoking the licence in that case, as the woman was discharged before there were licences granted?—Yes, unconditionally.

5109. (*Mr. Henley.*) With regard to the number of 54, were they all penal servitude men or returned transports, and was this woman one of the 54?—Yes.

5110. Are there any others besides her who have returned as expirees, and who have not returned for penal servitude?—Yes, of the 54 mentioned, seven who returned from transportation have not since been sentenced to penal servitude.

5111. (*Lord Cranworth.*) There are 54 in all, and I observe in counting them that 27 are males and 27 females?—Yes.

5112. Is that about the ordinary proportion, or have you as many women committed as men?—Fully, to the prison of Edinburgh.

5113. Prostitutes are committed?—Yes.

5114. Have you generally as many returned female convicts re-committed as males?—Yes, in proportion to the number sentenced.

5115. (*Mr. Henley.*) Running my eye down the column, I find six

Mr. J. Smith. persons who had been either sentenced in 1851 or previously?—Yes, there are 11 persons.

20 March 1863.

5116. Is that number to be deducted from the 54 that you gave us before?—I do not think so.

5117. (*The O'Conor Don.*) Can you tell us the number that were re-committed to prison and whether any of them held a licence at the time of their re-committal?—Yes.

5118. How many were there?—54 were re-committed, 21 of whom appear to have held a licence at the time of their re-committal.

5119. Of those 21 who were re-committed holding licences, were there any re-committed more than once?—That I cannot remember App. No. 13. B. without the table; the table to which I have referred was not prepared for this Commission at all, and I have merely referred to it to show the number that I have had an opportunity of conversing with in the prison.

5120. (*Mr. Russell Gurney.*) Were the licences revoked in those cases?—Only in three or four cases.

5121. Did you report them all to the Home Office?—They were reported I think.

5122. Can you say whether in those cases where the licences were not revoked the convictments would have extended beyond the term of the original sentence, or whether any portion of the original sentence remained after the expiration of the second sentence?—I do not know that.

5123. (*Mr. Childers.*) When the holders of tickets of leave come under your charge, is it your duty to report the circumstance to the Home Office?—Yes, if we know it.

5124. Do you do that in every case?—Yes.

5125. In every case of those 21 did you so report?—Yes, to the best of my knowledge and belief.

5126. (*The O'Conor Don.*) Will you refer to the return again, and say whether any of the 21 were committed more than once during the period of their licence?—Yes; there is one for an assault, and five times for disorderly conduct.

5127. When was that?—The expiry of the sentence was in 1862, the date of the first commitment to prison was in 1861, and about five months were unexpired of the sentence.

5128. (*Mr. Waddington.*) What was the sentence?—Four years.

5129. In the second case?—That is not shown; the number of times only are shown; it was once for an assault, and two times for breaches of the Public-house Act.

5130. (*The O'Conor Don.*) That would show, would it not, that the second sentence expired before the term of the first sentence had expired?—Yes.

5131. (*Mr. Waddington.*) In that case was the prisoner a female or not?—A male.

5132. When was his first sentence passed; in April 1858?—No, in November 1851.

5133. Then he was not a licence holder at all?—He was discharged in 1856; at all events, he was committed to prison in 1856. We do not know when they are discharged, only when they are re-committed to prison.

5134. You do not know upon what grounds he was discharged?—We do not know that.

5135. (*The O'Conor Don.*) When you speak of 21 persons being discharged on licence, you are not aware of the fact, are you?—We

just know from their own statement, it is not intimated to us officially by anyone.

5136. Did the person you have referred to state to you that he had been discharged on licence ?—I do not know, but I have no doubt that he did.

5137. Was his case reported to the Home Office ?—I think it would have been.

5138. (*Mr. Waddington.*) Did you report the case of that same man five times ?—No, I did not say that.

5139. (*Mr. Russell Gurney.*) Do you report the first and second convictions ?—He would have been reported if known, I have no doubt, at the time.

5140. (*Mr. Waddington.*) What were the sentences passed upon him ?—They must have been very short, perhaps 10 days and 20 days ; the sentences are not set down, but the number of times only.

5141. (*Mr. Childers.*) Do you report on a printed form ?—Yes.

5142. So that you would have no difficulty in ascertaining whether you had made that report ?—No.

5143. (*Mr. Waddington.*) Would it appear in your books whether you had made a report of those cases or not ?—Yes. App. No. 13. B.

5144. You have been asked as to the number of English convicts ; have you a good number of Irish convicts in your prison at Edinburgh ? —Yes, under short sentences.

5145. Are there any penal servitude convicts who are Irish ?—I am not aware of any at this moment.

5146. Are there any English penal servitude convicts at this moment ?—Not under penal servitude.

5147. Neither male nor female ?—Neither.

5148. (*Lord Cranworth.*) You stated that you thought it was an omission in the last Scotch Act that there was not a power given to flog. Would it have been better, do you think, if that had been introduced ?—Yes, for exceedingly violent men ; it exists in the English prisons with admitted advantage.

5149. I believe flogging is not looked upon as a very desirable sort of punishment in Scotland ?—No, it is not.

5150. Is there not great difficulty in getting people to administer the punishment ?—Except for juveniles, it does not exist at all in Scotland. There does not appear to be any difficulty, as far as I know, as to the whipping of boys.

5151. Boys are punished with a birch rod on their posteriors, I suppose ?—Yes.

The witness withdrew.

Mr. John Weatherhead examined.

5152. (*Mr. Russell Gurney.*) You were Governor of Newgate for some years ?—Yes.

5153. When were you Governor of Newgate ?—Four years past ; I was there for three years and a half.

5154. You were then appointed Governor of Holloway prison?—Yes, and I have been there close upon four years.

5155. What number of prisoners have you in Holloway prison ?—382.

5156. Is that about the ordinary number ?—Yes ; latterly I am sorry to say there have been a few more than usual.

5157. Does that include men with short sentences and some also with long sentences ?—Yes.

Mr. J. Weatherhead.

20 March 1863.

App. No. 14. A.

5158. What do you mean by short sentences?—From three days to four months.

5159. You have different dietaries, I believe, according to the terms for which the prisoners are committed?—Yes.

5160. Four or five different scales?—We have five scales of diet.

5161. Have you one scale for all prisoners sentenced to periods above four months?—Yes.

5162. Is that your highest scale?—That is the fifth class, or highest class.

5163. Have you compared that dietary with the dietary that is used in the Government prisons?—Yes, I have.

5164. It is lower than the dietary in the prisons at Chatham and Portland I think?—It is.

App. No. 14. B.

5165. A good deal lower?—I may say by a pretty good quantity.

5166. (*Mr. Waddington.*) Will you read to the Commission your own dietary?—The 5th class diet for "Convicted prisoners employed "at hard labour for terms exceeding four months, on Sunday, Tuesday, "Thursday, and Saturday; breakfast, oatmeal gruel 1 pint, bread "8 oz.; dinner, cooked meat without bone 4 oz., potatoes 1 lb., bread "8 ounces."

5167. (*Sir J. Pakington.*) What is the aggregate quantity of bread in a day?—24 oz.

5168. (*Lord Cranworth.*) That is 24 oz. of solid food?—Yes.

5169. (*Mr. Russell Gurney.*) It is cooked meat?—In every case the meat is boiled. Then on Mondays, Wednesdays, and Fridays the breakfast is the same; at dinner, soup 1 pint, potatoes 1 lb., bread 8 oz., with 3 oz. of meat in the soup, which is weighed in every case. Supper, daily, 1 pint of gruel and 8 oz. bread.

5170. There is solid meat in the soup?—Yes, which is cut up and weighed.

5171. (*Sir J. Pakington.*) Are the prisoners who live upon that diet men who are undergoing any hard labour?—Yes, daily, from 6 o'clock in the morning until 8 o'clock at night, except chapel, and an hour for exercise, and twice in the week school.

5172. (*Mr. Russell Gurney.*) What is the nature of the work that they perform?—77 men are employed at mat-making, balling and preparing twine for mat-making 10, winding it 2, picking oakum 56, fibre 2, cutting junk 4, on the tread-wheel 66, they pump the water for the use of the building from an Artesian well underneath; 15 woodcutting, 4 smiths and gas-fitters, 5 cooks, 3 carpenters, 1 bookbinder, 12 tailors, 13 shoemakers, 3 barbers, 17 needlework, 22 washing, 10 knitting, 17 working in garden grounds, 2 clerks, cleaning and whitewashing 16, nurses 4, the remaining 21 casualties.

5173. (*Mr. Childers.*) How many hours are they at work?—Each prisoner is daily employed for $5\frac{1}{2}$ hours at the tread-wheel; when we have a good number in the prison it is a little less, but generally the average time is that.

5174. (*Mr. Waddington.*) You do not mean consecutively?—No, a quarter of an hour on and a quarter of an hour off.

5175. (*Mr. Russell Gurney.*) Do you find that that diet is sufficient to preserve the health of the men engaged in that work?—I do. I have made a statement showing the increase in weight and the decrease in weight with the number of prisoners in the gaol.

5176. (*Chairman.*) Is the time five and a half hours counting the quarter of an hour off, or counting it on?—Counting the quarter of an hour off, making two and three-quarter hours on the wheel.

5177. (*Lord Cranworth.*) During the other part of the day, do they

perform any other labour ?—During the other time they are employed in picking oakum in their cells in every case ; when they are not on the wheel they are in their cells picking oakum. Every prisoner who is physically able, on coming into the prison, is put for three months on the tread-wheel, after he is placed at other labour which he is most fitted for.

5178. (*Chairman.*) During those three months he is actually on the wheel for $2\frac{3}{4}$ hours in a day ?—Yes, and sometimes a little more.

5179. During another portion of the day the men are employed in picking oakum ?—During the other $2\frac{3}{4}$ hours, when a man is off a quarter of an hour, he is then picking oakum as well in his cell.

5180. How many hours of labour does each of the men perform ?—Nine hours and 25 minutes is the time they labour in Holloway prison even taken to a minute.

5181. (*Mr. Russell Gurney.*) You were going, I think, to say that the men were regularly weighed, how many of them had lost weight ?—We weigh a man after he has been in prison three months in every case.

5182. (*Lord Cranworth.* Do you weigh him when he first comes in ?—Yes, and every three months after. Out of 940 men who were weighed in the two years ending June 1862, 352 lost in weight.

5183. How many of them gained in weight ?—531.

5184. How many remained stationary ?—58.

5185. Did you weigh the females also ?—No, I am speaking of males only, the females do not increase or decrease much in weight.

5186. (*Mr. Henley.*) What proportion do those whom you have weighed bear to the whole number of persons who pass through the prison ?—Those are the only persons with long sentences ; in the case of a three months' man, there is no occasion to weigh him, because his time would be so short in the prison.

5187. Then you have given the whole number in the gaol who have been sentenced to three months and upwards ?—Yes.

5188. (*Mr. Russell Gurney.*) How many have you on your sick list ?—There are nine prisoners in the infirmary, male and female, to-day.

5189. Is that about the usual number ?—Yes, there is only one in bed.

5190. (*Mr. Henley.*) Does that include all those who are on the sick list ?—These are all in the infirmary, on the sick list; they are excused from labour.

5191. (*Mr. Russell Gurney.*) Are there any who are allowed any extra food on the order of the medical man ?—This morning there were 26 who are being allowed a change of food in Holloway prison.

5192. Sometimes they have an increase of food, and sometimes a change of food ?—Yes, there are 22 men receiving six ounces of bread extra, and I think four or five men receiving four ounces of meat extra.

5193. (*Mr. Childers.*) Out of the 380 ?—Yes.

5194. (*Lord Cranworth.*) Do you mean four ounces of meat extra in the day ?—Yes ; I would say for only five prisoners, and that is done by order of the surgeon, it was found that they were suffering.

5195. (*Mr. Russell Gurney.*) Have they four ounces of meat extra a day for some days ?—There are four prisoners, each of whom has four ounces extra, that would be seven or eight ounces that they would get in a day. I may mention that the meat that is issued in the Holloway prison is the neck part, and cut from between the rib and the hip of the animal ; it is not the sirloin or the legs, it is the worst class of meat that is given to the prisoners.

Mr. J. Weatherhead.

20 March 1863.

5196. (*Chairman.*) It is not so nourishing?—No, it is not nearly so nourishing as the other parts of the animal.

5197. Is it much cheaper?—Yes.

5198. (*Mr. Russell Gurney.*) Is the silent system enforced in Holloway prison?—To a great extent; when they are working in association, if a man is detected speaking to another prisoner he is reported immediately.

5199. It is strictly enforced?—Yes; a man must ask permission of his officer before he can speak to another prisoner.

5200. Have you also the separate system in cells?—Yes, and working in association.

5201. But in silence?—Yes; there are 30 men in a room, under the charge of an officer.

5202. Is silence strictly enforced?—Yes.

5203. Have any bad effects been produced by the separate system upon the mental condition of the men?—In four years there have been five men; one, on tracing him, had been in Maidstone lunatic asylum before.

5204. Are there many in Holloway prison who have been before in convict prisons?—I think we have about 20 to 24. I say that although I could not prove the matter, but I am certain from what I have heard from the other prisoners, and from their general conduct and demeanour, that they have been in penal servitude or have been transports.

5205. Have you conversed with many of them as to the comparative advantages of the convict prisons and Holloway prison?—Yes, with a few of them, some state what the dietaries are, and others deny all about it.

5206. On the part of those who admit that they have been in convict prisons, have you heard any comparison drawn between the two dietaries?—Yes.

5207. What has that been?—I got it from one man who had been at Chatham for a long time; he enumerated the dietaries.

5208. What do they say about it?—They say that the diet is much better in the Government prisons than at Holloway, and some of them say that they will commit themselves again for the purpose of getting back, sooner than stop at Holloway for six months; they say they would sooner spend 12 months in a convict prison than six months in Holloway.

5209. Is the dietary the only point of advantage that they speak of in the convict prisons?—No, they speak of the silent system. They have a great horror of silence; secondly, they do not like the treadwheel; thirdly, they are kept a good deal more strict, and the cell is a greater punishment to them.

5210. Do you find them return very often upon second convictions?—I find that about one-third of the number return to the prison. I do not mean to say one-third of those who were inmates of Holloway prison, but who we know have been in other prisons as well as Holloway. About one-third have had from two to 10 convictions.

5211. Are there a considerable number who have been in Holloway before?—About one-sixth.

5212. So that the discipline of Holloway prison does not succeed in deterring them from crime?—I am very sorry to say that it does not.

5213. (*Lord Cranworth.*) One-half of them are relapsed convicts?—Yes, who may have been for a third, a fourth, or a sixth time in Holloway prison.

5214. (*Mr. Russell Gurney.*) Are there many of them who have

Mr. J. Weatherhead.

20 March 1863.

been as many times as that ?—I have 60 in the prison now who have been, I should say, from two to six times in Holloway prison.

5215. For what kind of offences ?—For pilfering in the streets, drunkenness, violent conduct to the police, and robbing from the person.

5216. Those are for short terms of imprisonment ?—Yes, from two to four months.

5217. In the cases of robbery from the person, do they come to you for the fourth or fifth time ?—The former convictions are not known.

5218. Do you find it to be the case that there is great difficulty in proving former convictions ?—Yes, particularly in the case of the old incorrigible thief, or the clever thief. He escapes his former convictions better than a man who has been seldom in prison, and that class generally travel from county to county, or from one prison to another, and their former convictions are never brought to light against them.

5219. Of the 20 or 30 who you know have been in convict prisons, how many of them were known at their trials to have been in convict prisons ?—I think about four.

5220. Are you aware that there is great difficulty in identifying the prisoners ?—Yes, great difficulty.

5221. Do you find that the police are able to prove the former convictions ?—Not sufficiently. I should think that other means would be more effectual.

5222. What other means would you suggest ?—I would suggest that an officer from each prison should visit each county the week before the sessions began in each county.

5223. Do you mean that an officer should visit every county prison ?—Yes.

5224. (*Chairman.*) Then you would have 50 officers travelling about the country before each quarter sessions began ?—Yes, and I think it would prevent the old incorrigible thief from travelling round the country and getting off. The country has still to incur the expense of sending persons from county to county to prove former convictions, and this plan, I think, would be a more effectual means of doing it.

5225. (*Mr. Russell Gurney.*) But they would have to go again to prove it at the trial ?—Yes.

5226. Has it occurred to you whether there might be introduced a system of marking criminals ?—I should say that after a second conviction to penal servitude or transportion every prisoner should be marked, on account of the number who escape with impunity.

5227. You would not mark a man who had been sentenced only once to penal servitude ?—No.

5228. But if he had been previously convicted, and he was for the second or third time under a sentence of penal servitude, do you think it would be desirable that he should be marked ?—I should say for the second time.

5229. Suppose on the first occasion he had not been sentenced to penal servitude, but that he was on a second occasion ?—Then I would not mark him.

5230. Do you find more difficulty with old convicts than with the others ?—With some of them ; generally speaking they are clever enough in prison to keep themselves out of trouble, but some of them are incorrigible.

5231. What is the cost of maintenance in your prison per head ?—21*l.* 8*s.* a year.

5232. Is that the gross cost, including everything ?—Yes.

5233. What have been the earnings in the year ?—The profit of the

Mr. J. Weatherhead.

20 March 1863.

prison labour, that is, money paid into the Chamberlain of the city of London was 1,125*l.* 2*s.* 5*d.* last year.

5234. (*Mr. Childers.*) On an average of how many prisoners?—380; when I say 380, one-half of them would be only sentenced for such periods that we should not get much labour out of them.

5235. (*Lord Cranworth.*) The expense per head is about 21*l.* odd for 400, that would be about 8,030*l.*, then there would be 1,100*l.* to be deducted from that?—Yes, there is an estimate of the value of the prison labour which comes to close upon 2,000*l.*, that is for the natural labour that we do not get money for, but which the prisoners perform.

5236. (*Mr. Russell Gurney.*) They do a good deal of work in the prison?—Yes, for the four years that I have been there no person outside has done anything in the way of labour or repairs in Holloway prison; the prisoners are employed in engineering, water-works, gas-works, mat-making, mat-repairing, looms, and repairing looms, and all that sort of work.

5237. Then there is the clothing, and you do the washing I believe for other prisons?—We wash for Whitecross Street prison, and we make the clothing for the officers of the Mansion House and Guildhall, for Whitecross Street prison and Holloway prison, make the clothing, make and repair the boots for 100 children in Emmanuel Hospital; I allude to the officers belonging to the courts, and the actual cost to the city last year for the number of prisoners at Holloway was only 2,700*l.*

5238. Are you able to trace the prisoners at all on leaving Holloway, or do you keep up any communication with them?—I keep up communications with many. We do a good deal in teaching the young men trades; the men with long sentences we set them to the tailoring and shoemaking trades, and many of them are now earning a living in London through what they have been taught at Holloway.

5239. Is that the case with a considerable number to whom trades have been taught in Holloway prison?—Yes, a great number.

5240. Then, I believe, some assistance is afforded to them by the City?—There is the Sheriff's Fund, and the money which is sanctioned by the magistrates, that is to send young men home, and to send females to institutions, or to send them home to their friends.

2541. From your observations of the prisoners while at Holloway, are you able to tell who are likely to do well?—In every case a man must be narrowly watched in prison before anything is done for him.

5242. Do these men for the most part turn out very well afterwards?—I am happy to say that a great number do; I receive letters weekly from those who are doing well on account of what they have been taught in Holloway prison.

5243. (*Mr. Childers.*) Do any of them emigrate?—Not many, we send a great number of them to sea.

5244. (*Mr. Henley.*) You suggested that an officer should be sent to every town in the country where quarter sessions were held, to see the prisoners a week before?—Yes.

5245. Have you formed any notion as to the number of officers that would be required for that purpose?—I think the number would be close on 50.

5246. There being 50 counties, and quarter sessions being held in each of those counties at one and the same time, to say nothing of various other courts?—Quite so.

5247. Do you think that 50 officers could perform that duty?—I think so.

5248. Do you think it would be necessary for the officers of large

towns, such as Liverpool and Manchester, to return the compliment and pay a visit to London ?—I should think so.

5249. To what degree do you think it ought to be carried, ought it to be regulated by the size of the towns or counties ?—I would not send them to small boroughs, where they would only have a few prisoners for trial, but where there was a large calendar of 50.

5250. Take the West Riding of Yorkshire as an example, do you think that they ought to send from the West Riding to London ?—Yes.

5251. To all the courts ; to the sessions that are held in London as well as to the Old Bailey ?—Yes, to Middlesex and to Surrey.

5252. Do you think that they ought to send to Liverpool, Manchester, and perhaps Birmingham ?—Yes.

5253. Have you considered what number of ambulatory officers would be set at work throughout the whole of the kingdom at particular periods of the year ?—I do not think it would add much to the number. Policemen are at the present time summoned to every sessions now from county to county to give evidence, and I think that if prison officers went they would detect more than the ordinary constables do.

5254. If I understand your notion it is that these persons are to go without any knowledge of their being wanted if possible to see whether they can identify any thieves at the places to which they go ?—Yes.

5255. That would be in addition to the persons who might happen to be able to give evidence ?—Yes, the same persons would see them, and they would naturally be able to tell those who have been connected with prisons for a long period.

5256. But they would be in addition to those who might be able to give evidence ?—Yes, but the prison authorities would be able to observe if any other persons had been there to identify the prisoners, the prison authorities would identify them.

5257. Have you formed any opinion as to the number of persons whom you have considered to be on the tramp who get convicted in different places, and who had been formerly convicted in London or other places, out of the whole number of persons who are convicted ?—I think during the sessions when I was governor of Newgate I should say that there would be at least 10 out of every 100 who would be tramps or persons travelling from one county to another with the object of evading former sentences.

5258. Do you think that there would be as many as 10 per cent. of the whole number of these persons who would be detected by your proposed machinery ?—Yes, I think so.

5259. What proportion of the prisoners in Holloway prison are on the sick list, including those in the infirmary ?—There were 32 this morning.

5260. I think you stated that there were 32 receiving extra diet ?—Yes, but that has nothing to do with the sick. There were 32 this morning.

5261. Not quite 10 per cent. ?—No; of course they apply to the doctor for very trifling matters.

5262. Is that about the average ?—Yes.

5263. Is the diet at Holloway prison more or less than that which is commonly called the Government diet ?—In comparing the two prisons of Pentonville and Millbank, I find that their dietaries are almost equal to ours, the prisoners there receive a little more meat, and we allow a little more bread.

5264. A dietary was put forward some years ago by the Home Office which was adopted in many of the county prisons ; it was

Mr. J. Weatherhead.

20 March 1863.

commonly called the Government diet. Do you know whether your diet, which is divided into five classes, is the Government diet?—Yes, it is, it was approved by the Secretary of State so late as 1860.

5265. Are there any juveniles in your prison?—There were 51 this morning; and I am sorry to say that there has been an increase in their number in the last two years.

5266. (*Mr. Russell Gurney.*) The number of the juveniles has increased?—Yes.

6267. Is that an indication that the commitments have increased in the metropolis, or that more of them have been sent to your prison?—I should say, generally speaking, in the metropolis.

5268. (*Mr. Henley.*) In what proportion do the juveniles increase?—In the last two years I should say that they have increased as much as 10 or 15 per cent.

5269. Are there something like 60 out of the 380 now?—Yes.

5270. (*Mr. Russell Gurney.*) What do you exactly mean by juveniles?—Those who are under 17 years of age; they are kept in a separate part of the prison.

5271. (*Lord Cranworth.*) Do they not come before the magistrates and get summarily convicted generally?—Yes, they do.

5272. They are not tried at the Old Bailey?—No. Out of the number that I have given there were four tried at the Old Bailey only; two are waiting now to go to a reformatory.

5273. (*Mr. Waddington.*) These are always committed to prison, I believe, for short terms?—Yes, and they are then transferred to the Isle of Wight.

5274. Does your prison include the city of London only?—Only.

5275. (*Mr. Henley.*) Can you give the Commission any opinion as to whether these juveniles come frequently back to you?—Some do frequently come back.

5276. Of the re-commitments to your prison, do the juveniles form a larger or smaller proportion than the adults?—They are greater in number.

5277. Are there many juvenile females?—Not many; there are a few.

5278. The larger proportion are males?—Yes.

5279. What is the course of treatment pursued with respect to the juveniles as contradistinguished, if it is different, from the treatment of the adults?—The juveniles are kept in a separate wing of the building; they attend school daily; a good many of them are taught trades. We teach trades to those who have received long sentences.

5280. Upon the whole, the treatment of the juveniles is less penal than that of the adults?—Yes.

5281. And yet you find a larger proportion of the juveniles return to prison?—I am sorry to say they do.

5282. (*Mr. Waddington.*) Just state the proportion of your prisoners who receive the fifth-class diet as compared with those who receive the inferior diets?—This morning there were 201 receiving the fifth-class diet, that is, males, and 32 females; that would leave about 140 of the others.

5283. What is about the average length of the sentences of those who receive the best diet?—12 months.

5284. They vary, I suppose, from six months to two years?—Yes.

5285. Do the experiments that you have mentioned as to weighing the prisoners apply to this class only, or to all classes?—Chiefly to the fifth-class prisoners.

Mr. J. Weatherhead.

20 March 1863.

5286. Do they include all the prisoners?—No, they apply only to those who are in the fourth and fifth classes.

5287. (*Lord Cranworth.*) You weigh all those whose sentences are for periods above three months?—Yes; it applies to class 4 and 5 only, and the classes of diet as well.

5288. (*Sir J. Pakington.*) To what prisoners do the three lower dietaries apply?—They apply to those who are sentenced to three days and up to six weeks.

5289. Will you state to the Commission what the lowest diet is?—I will state the diet for the first class:—Convicted prisoners confined for any term not exceeding seven days—for breakfast, oatmeal gruel 1 pint; dinner, bread 1 lb.; supper, oatmeal gruel 1 pint. That is the diet for seven days for the short-sentenced prisoners; of course they feel the effect of low diet more than the other prisoners.

5290. That is intended to be a penal diet?—Yes.

5291. (*Mr. Henley.*) During the time it was permitted by law, were there many prisoners who came into Holloway prison who were to be flogged by the sentence of the court?—Not at Holloway. There have been only four persons flogged in Holloway prison in 11 years.

5292. That is under sentence of the court?—There were two under sentence of the court, and two by order of the magistrates for insubordination in the prison.

5293. There have been only two persons during four years who were sentenced by the court to be flogged?—That is all.

5294. (*Mr. Waddington.*) What were their ages?—Of the two who were sentenced by the court, one was 14 and the other 15; and of the men who were flogged for insubordination in the prison, one was a boy of only 16 and the other a man of 30; he was an old transport, had been frequently in prison, and was insubordinate in every prison he had been in.

5295. (*Sir J. Pakington.*) I suppose he was flogged with a cat, and the other three with a birch?—Yes.

5296. (*Mr. Waddington.*) Did you employ a special person to flog them?—I happened to have an old farrier as an officer in the prison; he had been a military man and understood flogging.

5297. (*Mr. Russell Gurney.*) Have you frequently cases of insubordination in the prison?—I am happy to say that it occurs very seldom.

5298. How often has a case occurred within the last two years?—Looking over my defaulters' book, I find that in the four years I have been there there have been only three acts of insubordination in that time; I mean violence and breaking the windows, or attempting to strike the officers, losing their temper, and getting into collision with the authorities, and damaging prison property.

5299. (*Mr. Childers.*) There has been no outbreak among the prisoners?—Never.

5300. (*Chairman.*) Has there ever been any serious injury done to a warder by a prisoner?—There has only been one instance of an officer being struck by a prisoner, and that was in the case of the man who was flogged.

5301. Was it for that offence that he was flogged?—Yes, for striking an officer.

5302. (*Mr. Childers.*) Do you think that alternating the best diet with three or four days occasional bread and water would add very much to the penal character of the diet?—I have recommended, in a paper that I have written, that all convicts or men sentenced to penal servitude, and who have been guilty of violent conduct, such as garoting or violence to the police, should be subjected, as the first part of

Mr. J. Weatherhead.

20 March 1863.

their sentence, to solitary confinement, and be flogged. I would go further, and say that in the latter part of their sentence, for instance, if a man received a sentence of seven years penal servitude, he should be kept during the last month of his sentence in solitary confinement.

5303. Do you think that, if in the ordinary course of a sentence of imprisonment in Holloway, the regular diet was alternate, by every now and then three or four days bread and water, it would add very much to the penal character of the punishment ?—It might do in some cases, but I do not think it would do in all.

5304. You would not recommend it ?—No, I would not.

App. No. 14. B.

5305. (*Mr. Russell Gurney.*) Comparing Holloway with Chatham prison, in the third and fourth stages there is, I believe, a very great difference between the two diets ?—Yes.

5306. At Chatham a prisoner has 12 lbs. of bread in a week, at Holloway 10 lbs. 8 ozs. ; at Chatham 8 ozs. of pudding ; at Holloway none ?—That is so.

5307. At Chatham 2 lbs. 10 ozs. of meat ; and 1 lb. 9 oz. at Holloway ?—Yes, I believe it is changed alternately in the government prisons, and they get mutton one day and beef the next. The city prisoners have nothing but beef every day.

5308. They also have tea at Chatham ?—Yes, and, I believe, on one day in the week beer and cheese.

5309. (*Chairman.*) Do the prisoners have cocoa at Holloway ?—Yes, three mornings in the week—the 4th and 5th class dietaries only.

5310. (*Mr. Russell Gurney.*) Have you compared your dietary with any of the Irish dietaries ?—No, I have not.

The witness withdrew.

W. B. Ranken, Esq.

WILLIAM BAYNE RANKEN, Esq., examined.

5311. (*Mr. Waddington.*) Are you secretary to the society called the Discharged Prisoners' Aid Society ?—I am the honorary secretary.

5312. The head quarters of the society are in London ?—Yes ; 39, Charing Cross.

5313. How long has that society been established ?—For six years.

5314. Is it composed entirely of gentlemen who take an interest in the welfare of convicts ?—It is composed entirely of such gentlemen, with the exception of the paid officers, the secretary, and others.

5315. The society is composed of gentlemen who contribute, by subscriptions, for the purpose of providing employment for these unfortunate men ?—Yes.

5316. Will you describe to the Commission how the society proceeds in carrying out their objects ?—The society sends a blank form to the governors of the various prisons, to be filled up with the cases of the men who are desirous of obtaining the assistance of the society.

5317. Is that confined to the convict prisons ?—Yes ; we have taken a few cases as exceptions, but, as a rule, we only undertake convict prison cases.

5318. I presume that you are in communication with Sir Joshua Jebb ?—Yes, constantly.

5319. Can you state to what extent you have been able to assist the prisoners upon their discharge during the last six years, and whether you afford assistance both to males and females ?—We have assisted on the whole 3,142 cases in the six years.

5320. How many males and how many females were there ?—From Brixton we have assisted 131 females, and from Fulham 188 ; that was

up to the 31st December last year. This year we have assisted 10 women only; the rest are males.

5321. How do you proceed; does Sir Joshua Jebb or the governors of prisons recommend the persons who they think are fit objects for your assistance?—Yes, the governors of prisons recommend; they fill up a blank form like this (*handing in the same*), and we accept their cases. At all events, they are submitted to us.

App. No. 15.

5322. I observe that the form states the name and sentence, age on conviction, religion and education, date and place of conviction, nature of crime, previous convictions and nature of crimes, character in separate confinement, character on public works, trade and degree of proficiency, whether capable of hard labour, former employer, place of abode and family, what employment desirable, and if willing to emigrate, and probable amount of gratuity due on discharge, when likely to be discharged. On receiving these reports do you make a selection?—Yes.

5323. From the accounts of the prisoners that appear on the reports? Yes.

5324. Does a prisoner present himself immediately on his discharged ticket of leave, or otherwise, in London?—He usually does, but it is not always immediately.

5325. What is done in a case where he does not present himself?—We ask for an explanation of the reason of their not coming. The fact is that they usually receive a small portion of their gratuity, and they very often like to spend it in their own way before they come to us.

5326. It is a small portion which they receive on discharge?—Yes.

5327. Are they obliged to pay or to give an order that the second portion of the gratuity shall be paid to your society?—Quite so.

5328. Is that always done?—Yes.

5329. You insist upon that?—Yes.

5330. And also any subsequent instalments which may become due?—Yes, there have been cases in which they have spent their 10 days' money, and they have come to us afterwards, and we have taken them up, but as a rule we do not do so.

5331. (*Lord Cranworth.*) The money which they spend in excess is a small amount which is given to them on their discharge?—Yes.

5332. (*Mr. Waddington.*) Unless they bring the second instalment, which is a larger sum, you never assist them?—Not as a rule.

5333. Can you state generally to the Commission the number you have assisted to emigrate?—In the year 1857 we assisted 12 to emigrate; in the year 1858, 110; in the year 1859, 81; in the year 1860, 165; in the year 1861, 255; and in 1862, 245.

5334. What is the total number?—868.

5335. Were they all males?—Principally males.

5336. (*Sir J. Pakington.*) Do they select, or do you recommend, the places to which they shall emigrate?—We generally recommend them.

5337. You are, I presume, in some degree influenced by the comparative cost?—Yes, we cannot afford to send them to Australia as a rule.

5338. (*Mr. Waddington.*) Have you had communications with many of them?—Yes, we have had a great many letters and almost all of them have been satisfactory.

5339. The men have appeared to be doing well?—Yes.

5340. With regard to those for whom you have procured situations in London, what is the number of those?—We have assisted a certain number to obtain situations, and given other assistance.

W. B. Ranken, Esq.

20 March 1863.

5341. What is the nature of the other assistance?—The whole number of those that we have assisted to emigrate is 868; 282 have had employment found for them, and 1,872 have been otherwise assisted.

5342. What do the words "otherwise assisted" mean?—They mean all those cases that we have helped without obtaining actual employment for them under any employer, that is to say, we have assisted them to purchase tools, and to enter into some small business, to set up for themselves, or we have assisted them to return to their friends, if they occupied a respectable position in society.

5343. Have these persons principally been resident in London, or have they been dispersed about the country?—More, I think, have been dispersed about the country than in London; those for whom we have found direct employment have usually been in London.

5344. Have you found considerable difficulty in obtaining situations for them?—Very great difficulty.

5345. Do you always acquaint their employers with their antecedents?—We always do.

5346. I suppose the principal difficulty or the great difficulty has been in inducing a person to take into his service a man who had been previously convicted?—Yes.

5347. Are you aware whether, when they have obtained situations, the fact of their having been convicts has been kept concealed from their fellow workmen?—I think it usually has.

5348. Do you know whether any of them have lost their situations owing to the fact having been discovered?—I have not heard of a case of that kind, not a case that we have specially recommended.

5349. Have you or the Society considered the question as to how far their operations would be assisted or impeded by the police taking part in the supervision of these men;—I think that in a certain degree the police might be a great help to the society, but it would depend upon the way in which they managed it.

5350. Do you conceive that if all these men were without exception placed under the supervision of the police, and they were called upon to report themselves regularly under certain penalties to the police, it would assist you or not?—I think that it would be fatal to all our good cases, and by no means assist us; I think that the men would not submit to a double supervision. We have our own agent who visits them, and they do not object to that, but I think that if they saw the police also they would not come to us, at least we have found that to be the case lately.

5351. You would probably prefer a system under which your agent should visit them, and that the police should not interfere unless he reported that the men had misconducted themselves?—Yes.

5352. I suppose that if you found one of your men had relapsed into crime you would report him to the police?—We have not done so yet, but we should do so.

5353. You would have no objection to doing that?—Not the least; in fact I should like to do it.

5354. As long as they conduct themselves well you think that the less the police interfere the better?—Yes, I think so.

5355. (*Lord Cranworth.*) The society with which you are connected consists entirely of benevolent persons, who are anxious to promote the welfare of these people?—Yes.

5356. Who is it that actually goes to any employer to ask him to employ a convict, and what are his particular functions?—He is called the agent.

5357. Is he a paid person?—Yes; in fact, both the clerk and secre-

tary, if they knew anyone among their own friends or connexions likely to employ them, would go to them. Members of our committee have occasionally induced large employers of labour to give work to men, and I have obtained places for about a dozen men on railways through contractors.

5358. The employment that you obtain for them is chiefly that rough kind of work ?—Yes, it is chiefly. Then, with regard to the women, we have got them out into service.

5359. Telling, in all cases, the employer what the truth is ?—Yes.

5360. (*Mr. Waddington.*) I think you stated that it was only with reference to the convict prisons that your operations were carried on ?—As a rule we have very few other cases. We have had 127 from the borough prisons, the rest are from the convict prisons.

5361. (*Lord Cranworth.*) Out of the 3,142 ?—Yes.

5362. Have you any means of knowing whether any, and if any, what proportion of those whom you have assisted in this way have relapsed into crime and been re-committed ?—Out of that whole number we have received unsatisfactory reports of 557, that is to say, we do not know what has become of them, we fear they have relapsed into crime, but we are not sure. We have received good reports of 2,465 ; the whole number is 3,142.

5363. You have reason to know that 2,500 and odd have done well ?—Yes, we have.

5364. With regard to the others you have not received any account ?—No.

5365. Some of them may have died ?—Yes; they have not been traced.

5366. (*Mr. Waddington.*) Does that include those who have emigrated ?—It includes all the cases.

5367. Do you include in that 557 those emigrants of whom you have not heard ?—No, not that, exactly. The 557 are persons who have not emigrated, but persons who have not been traced.

5368. You assume that those who have emigrated have done well ?—Yes ; unless we have heard the contrary.

5369. (*Lord Cranworth.*) I think you stated that about 868 had emigrated, altogether ?—Yes, up to the 31st of December last year, there have been 37 since, making about 900.

5370. (*Mr. Childers.*) If your funds were larger, do you think you could assist more of these men to emigrate ?—Yes, I think so.

5371. Do you find that there is a general wish among the discharged prisoners to leave the country ?—Yes ; we find that many of them are prevented from want of funds.

5372. What proportion do you think of the whole number liberated annually would, if you had sufficient funds, be disposed to emigrate ?—I have but little doubt that half would be so disposed.

5373. I think you said that you assisted but very few to emigrate to Australia ?—Very few.

5374. Is that at all affected by the question of transportation ?—No, but by not having money enough.

5375. If transportation were renewed to any extent to Australia, would it hamper you at all in assisting them to emigrate ?—No, I do not think it would ; they would go as free emigrants.

5376. Do you assist any of these men in going to Western Australia to which colony there is transportation ?—I am not aware that we have any ; there may be one or two possibly.

5377. (*Lord Cranworth.*) Do you decline to assist any who apply to you ?—We are obliged to do so from want of funds. I may mention that we refuse all cases of men who have been guilty of violence, unless they are emigration cases ; we will not attend to their cases unless they go abroad.

W. B. Ranken, Esq.

20 March 1863.

5378. (*The O'Conor Don.*) You are not acting secretary of the society?—No, except for one month in the year when the paid secretary is absent; but as a rule I visit the office every day, am consulted on all matters of importance, sign cheques, and examine into the accounts of the society at least once every month.

5379. The society, I suppose, works quite in harmony with the directors of the Government establishments?—Quite so.

5380. You inform the directors what assistance you are able to afford to the discharged prisoners with reference to their future mode of life, and what facilities you can place at their disposal if they conduct themselves well?—If required we inform them.

5381. The gratuities are paid into your hands, are they not?—Yes.

5382. Are they never paid to you immediately?—They are paid immediately.

5383. In all cases?—As a rule they are paid in all cases.

5384. Are they paid immediately on the discharge of a prisoner as a rule?—Yes.

5385. Do you keep the money in your possession until the second portion becomes due to a prisoner?—As a rule we do; invariably, in the case of emigrants, we employ all their money at once. We try to send them them out the day after they come to us if we can.

5386. Many of these emigrants, I suppose, are holders of licences?—They are.

5387. Do you furnish to them the means of emigrating with the full cognizance of the authorities?—Yes.

5388. In what manner do you assist these persons to emigrate; do you give them something in addition to their gratuities?—If necessary, not always.

5389. Do you assist them in taking passages for them?—Yes, and we procure their outfit and make every arrangement for them; they are seen on board here or at Liverpool; Mr. George Melley, at Liverpool, is our agent, he is a member of the committee.

5390. You stated, I think, that if the means at your disposal were larger than they are you think a much larger proportion of the convicts would emigrate?—Yes, I think so; I know that many of them are prevented by want of means.

5391. Do you not think that the gratuities which the prisoners earn while in prison are sufficient in most cases to allow them to emigrate?—In many cases they are not now that they are released after three years' imprisonment; there has been a change lately in that respect.

5392. Are you aware that the gratuities which they earn in Ireland are much lower than the gratuities they earn in the Government prisons in England, and yet that those gratuities do enable a number of them to emigrate?—I cannot explain how that is.

5393. (*Lord Cranworth.*) During the time that they are holders of tickets of leave?—Yes.

5394. (*The O'Conor Don.*) You are honorary secretary of the London Prisoners Aid Society?—Yes.

5395. There is I believe another in England?—Yes, at Birmingham.

5396. That was the original one I believe?—Yes.

5397. Are you able to furnish the Commission with any statistics respecting that society?—I am quite unable. I believe that it is only for borough cases and for county prisons.

5398-401. Is Sir Joshua Jebb a member of your society?—He is not.

The witness withdrew.

Adjourned till Tuesday next at 12 o'clock.

Tuesday, 24th March 1863.

PRESENT:

Earl GREY.	Mr. HENLEY.
Lord NAAS.	Mr. WADDINGTON.
Lord CRANWORTH.	Mr. RUSSELL GURNEY.
Mr. BOUVERIE.	The O'CONOR DON.
Sir JOHN PAKINGTON.	Mr. CHILDERS.
Mr. WALPOLE.	

EARL GREY IN THE CHAIR.

CHARLES PENNELL MEASOR, Esq., examined.

C. P. Measor, Esq.
24 March 1863.

5402. (*Mr. Waddington.*) You were Deputy-Governor of Chatham prison?—Yes.

5403. Did you resign your situation in the beginning of the year 1860?—Yes, in February.

5404. Had you previously been Governor of the Stirling Castle Hulk at Portsmouth?—Yes, for eight months.

5405. That was an invalid hulk, I believe?—Yes, previously, but when I was in charge of it it was for the purpose of receiving convicts exclusively who were sent back from Bermuda and Gibraltar for discharge in this country.

5406. It was a depôt for those convicts?—Yes.

5407. It was thought more desirable to keep them in a separate prison than to send them to other prisons?—Yes.

5408. From that you were promoted to be Deputy-Governor of Chatham prison, were you not?—Yes.

5409. Had you been previously in the Irish convict service?—Yes, for three years I was Deputy-Governor of Philipstown.

5410. When did you leave that situation?—In March, 1858.

5411. You have served under Sir Walter Crofton, I believe?—Yes.

5412. Was Philipstown in your time a prison for separate confinement?—Yes, partially so, but more generally it was an invalid prison; it was also to a certain extent a juvenile prison in my time.

5413. Not a public works prison?—No.

5414. I believe you were present at the disturbance which occurred at Chatham prison, of which we have heard, although you had then sent in your resignation?—Yes.

5415. Did you take any part in that affair?—Yes; I volunteered to render any assistance that was in my power to the Governor and Director, Captain Gambier, and I subsequently received the special thanks of Sir Joshua Jebb for what he kindly termed my "effective" services on the emergency. I went into the prison at the time.

5416. Something has been said about certain persons being kept in irons on the night of that disturbance, do you recollect how that was?—There was a very large number in irons and chains. I think that the number would be from 150 to 200—under 200 certainly—150 would be perhaps nearer the mark.

5417. The irons were a light chain passed from one arm to the other, I believe?—The ordinary chain in which prisoners are moved from one prison to another, for instance, from Millbank to any other prison. It goes through the handcuff; the chain is passed through the two handcuffs, and the handcuff holds the chain.

5418. That was not done as a punishment, but as a measure of precaution, I believe?—It was a precaution after the fact; the prisoners so restrained were looked upon, of course, as being seriously involved

C. P. Measor, Esq.

24 March 1863.

in the outbreak. I can scarcely call it a precaution, unless it was to guard against a more serious riot; it was certainly on account of their conduct, and was in its nature a severe punishment.

5419. It was thought necessary to take that precaution?—That further precaution against their committing further riots in the night.

5420. They must have been confined in their separate cells if that had not been done?—Yes.

5421. The cells at Chatham are not, as I understand, calculated for the confinement of persons of that description?—Not at all; a thin corrugated iron partition is the only thing that separates one person from another in the ordinary cells of that prison. The punishment cells were full.

5422. (*Lord Cranworth.*) Do you mean that the prisoners could break their way through?—In case of violence they could do that, I have no doubt, and on that occasion possibly it would have been done.

5423. (*Mr. Waddington.*) You wrote a pamphlet, I believe, in the shape of a letter to Sir George Lewis, the then Secretary of State, shortly after your resignation?—I wrote it before I left Chatham.

5424. Dated February 4th?—Yes, and published previously to the mutiny.

5425. Do you adhere to the opinions that are therein expressed?—I think generally; I read it over yesterday to be perfectly sure, and I think there is scarcely anything that I shall at all qualify.

5426. You have stated what you thought required amendment in the system. I think the first complaint you make is with regard to the class of persons who are appointed to be warders?—Yes.

5427. Just state your views generally upon that point?—My opinion upon that subject is, that the office of warder requires a very particular and special class of mind, and that particularly it does require mind. I think that the general class of officers who are sent into the service are rather wanting in education, and in that kind of qualification which is requisite for the guidance and control of convicts. I think that neither in the police, nor in the army, nor in the navy, nor in any other service in which physical force is really the object, and not moral or intellectual training, could you expect to find individuals who would be suited for that special work.

5428. You think they ought to be qualified to exercise a moral and intellectual control over the convicts?—Yes; it is a question of individuality entirely as regards selection.

5429. I think you say that a large proportion of the present warders at Chatham have been military men?—Yes, nearly the whole; I do not think that there was five per cent. who had not been selected from the army when I was there.

5430. Then I presume that they would not possess those moral and intellectual qualities which you think necessary?—I found that so.

5431. Do you conceive that persons could be obtained to fill those situations possessing those high qualities which you have mentioned, for the present pay?—I think they could.

5432. What is about the pay they receive?—An assistant wardership in the convict service is worth over 70*l.* a year. I consider that almost equivalent to the reward of a young gentleman who is put into a Government office. The salary is 52*l.* a year; the rations are worth 12*l.* or 14*l.* a year, and besides that, the chances are that he will be put in charge of convicts, and he will get so much extra remuneration for stimulating their labour, that is, about 12*l.* or 14*l.* a year more.

5433. (*Lord Cranworth.*) Those are the gratuities?—Yes.

5434. (*Mr. Waddington.*) You calculate all that at about 70*l.* a year ?—Yes, for an assistant warder.

5435. Do you think that men possessing the qualifications which you describe, with families, would be likely to be obtained ?—I think that in the present state of the intellectual labour market they could be got at that price, but these men are put in under the existing system as men who have served their country, and there is a certain apology to be made for putting them in as old men having a general claim on the country, to serve which purpose the peculiar requirements of the appointment are often sacrificed. I wish, of course, to guard myself there, because the question may be raised whether young men would be competent to control the convicts.

5436. You would have men who were resolute and courageous, I presume, and possessing great physical power ?—Certainly, possessing all the requisites which are at present considered necessary.

5437. Do you think that those might be found conjoined with those intellectual qualities which you consider necessary for the salary you have mentioned ?—I think so.

5438. Do you approve of the system of allowing the warders gratuities proportioned to the report they make of the work done by their men ?—I think it very objectionable.

5439. Will you state your grounds for that opinion ?—I consider that in giving warders gratuities, as under the present system, and allowing the warders at the same time to assign gratuities to the convicts, irrespective of any certain test as to the value of their work, an opportunity is afforded for a sort of compromise between the officers and the prisoners. The officer knows well that he will not get his gratuity unless he keeps his party in a certain decent order, and the prisoners know also that the officer is in that condition, and they have something to tamper with in that, so that they invariably try to get him over to their side, that he may report them all as good as possible, and the result is that the affair too generally ends in an understood arrangement between the prisoners and the warder.

5440. Is not there a supervision by the deputy governor and principal warder ?—The deputy governor goes round the works, which are also visited by the chief warder, but he rarely could visit all the parties twice in the same day. He would just find them doing certain work at that time, but could form no estimate of how any particular warder had been doing his work throughout the day.

5441. You could not form an estimate as to how each individual convict had been working ?—No.

5442. Could not you, as deputy governor, form an estimate of the amount of work that had been done ?—No.

5443. Why not ?—I could only receive that as a report at the end of the day as to what had been done by a party. There would be a complaint from the officer of the Admiralty, or any other department, that such a party had been idle, but unless I had been present I could not tell.

5444. The chief warder visits them more frequently, does he not ?—No, about the same number of times as the deputy governor does. I do not think he could visit the whole of the parties more than once a day on the works.

5445. Just describe the duties of the principal warder ?—The duties of the principal warders are to exercise a jurisdiction over certain parts of the works. Three or four principal warders would be sent out with the whole of the prisoners to the works. The chief warder goes

C. P. Measor, Esq.

24 March 1863.

throughout the whole of those parties and the divisions of each principal warder, taking them all.

5446. The chief warder has supervision over the whole, but the principal warders occupy certain districts allotted to them?—Yes.

5447. (*Chairman.*) They are the immediate checks upon the warders who have charge of the parties?—Yes, and it is their duty to visit them more frequently.

5448. (*Mr. Bouverie.*) Is it the duty of the deputy governor and chief warder to visit the whole of the working parties twice a day?—It is supposed that the deputy governor visits the parties, but it is out of the question that he could visit every party more than once ordinarily. The chief warder is supposed to visit them perhaps a little more frequently.

5449. (*Lord Cranworth.*) How many parties are there?—I think that at Chatham prison, in which there were 1,100 convicts, they would be very likely divided into about 30 parties.

5450. It would be impossible for the deputy governor, you say, to visit them all?—Yes.

5451. (*Mr. Waddington.*) To visit them twice?—The general idea is, that he would visit them once throughout if he could, but I do not think it can always be done.

5452. (*Mr. Bouverie.*) He cannot exercise an effective check over them?—No.

5453. (*Sir J. Pakington.*) Of course he interrogates the chief warder and the district warders?—Of course he does that. It is a general supervision.

5454. (*Chairman.*) I suppose his visits are at uncertain times, and therefore they do not know when to expect him?—Yes.

5455. The chief warder visits at a different time of the day?—Yes.

5456. So that each party is visited twice a day, once by the chief warder, and once by the deputy governor?—Yes, unexpectedly. They may be also visited by the governor; he visits them occasionally himself.

5457. (*Mr. Waddington.*) With regard to the employment of convicts in Portsmouth dockyard, I think you had peculiar opportunities of observing that when you were at the invalid hulk?—Yes, at Portsmouth, and also at Chatham dockyard.

5458. What is your opinion upon that subject—the dockyard work?—I consider it highly objectionable for convicts.

5459. Is that owing to their mixing with the other Government labourers?—Yes, and you do not know what work they may be put to.

5460. They are put to very different sorts of work?—Yes; you may find a whole party down in the hold of a ship, and you cannot get at them—you do not know what they are doing—and in any sort of out-of-the-way places; you cannot ascertain what work they are doing, nor exercise any really effective supervision over them.

5461. Would the work performed by the dockyard labourers set them a very good example in working hard?—I do not think that the dockyard labourers are very often the most energetic description of labourers to be found.

5462. I think you have formed rather a strong opinion as to the necessity of giving convicts a secular education, and instructing them in other matters besides religion?—Yes.

5463. Will you state your views upon that point?—Upon that subject my opinion is, that we should not overlook the fact that a convict is a thinking being, and that a great number of them are men of perhaps as acute mental sensibility and of as good reasoning faculties as are to

be found. Their reasoning faculties may have been misdirected and altogether upset, and overbalanced their principle and better feeling, but I think they should have their minds directed to what is profitable as an important element in their training.

5464. Would you recommend that much more school instruction should be given to them?—I think that more school instruction could be given to them, and more school instruction given at a great saving of labour. My reason for saying that is that the school instruction is given entirely at a sacrifice of one portion of the labour of the week.

5465. We understand that the whole of the convicts have half a day's schooling?—Yes. When I was at Chatham I sent a proposal to Sir Joshua Jebb on that ground.

5466. What was your proposal?—Sir Joshua Jebb has on his own calculation shown that the labour of the convicts in the public works prisons is worth nearly 110,000*l.* a year, and inasmuch as the convicts are taken off from one eleventh of their labour in order to secure that education which they get, I thought that by employing that time in labour you would at once save about 10,000*l.*, which might in part be made use of for the promotion of further instruction.

5467. You would do away with the half day's schooling altogether?—Yes, and as the convicts really have such a great number of hours devoted to sleep, and idling in their cells after the time they have to be locked up in the evening, a considerable part of that time might most advantageously be used for their instruction.

5468. You would have the schooling at night after the day's work was over?—Yes, instead of in the daytime.

5469. How many days would it be possible to do it for each convict?—Of course there are many details; you have to meet the difficulty of the very great work of the officers from five o'clock in the morning till late at night; but if the thing could be arranged as I should wish it, I think it is perfectly feasible, and I have no doubt that the convicts could have much more education given to them in the evening than they could possibly have by the present half day's schooling.

5470. Will you be good enough to state a little more in detail your plan?—I referred the whole of the details of the plan to the Directors, and perhaps it may be satisfactory to the Commission if I read the reply I received from Sir Joshua Jebb.

5471. (*Chairman.*) You had better, in the first place, read your own letter?—"Chatham Convict Prison, 10th October 1860. Sir,—As I "occasionally in the midst of routine duties devote some thought to the "general theory and practice of criminal correction and discipline, I trust "that I need no apology in respectfully submitting to your consideration a "proposal tending at the same time to the self-support of the public "works prisons in the increase of the prisoner's earnings, and to the "promotion of the mental training and useful knowledge of those "who are returned back upon society to begin life anew. The "suggestion which I wish to make is, that it would be both pos-"sible and desirable to augment the valuable set-off against the cost "of the public works prisons which you print annually with the par-"liamentary estimates, in the ratio of one-eleventh of the total sum, by "the simple expedient of converting the half school day, which is of "but little value as a means of education, into labour, and to pursue at "other more convenient and waste hours the educational training "of the prisoners upon a totally different system. By this plan of "adding about an average of four hours to the labour of each convict "per week, a permanent increase, equal, after deducting non-effectives, "to 300 men, would be made to the public works, a sum of over 9,000*l.*

C. P. Measor, Esq.

24 March 1863.

" would, on last year's calculation, be added to the 100,941*l.* produced " by prison labour at Portland, Portsmouth, and Chatham, and the cost " of these three establishments proportionately reduced. Even if the " self-support of prisons were a matter of secondary importance, the ad- " vancement and completion of the fortifications at Portland, and the " dockyard of Chatham, are works of such unquestionable public utility, " that it would seem a pity that anything should stand in the way of " the bestowal on them of the fullest amount of labour of which convicts, " whose physical condition is specially maintained for the purpose, are " capable. In the single instance of this prison (the numbers in which " the Lords of the Admiralty appear so anxious to see increased), no less " than 90 additional prisoners could, by the means I have suggested, be " added to the daily strength of St. Mary's Island, where they are so " urgently required to complete the embankment, and this would " be accomplished without the erection of a single additional cell in the " prison. So far from this change being detrimental to the school pro- " gress of the prisoners, it would, I think, afford the opportunity of " introducing an enlarged system of effective educational training. The " half-day's school is, I am convinced, generally regarded more in the " light of a relaxation from work, as a schoolboy's half-holiday, than as " an opportunity of acquiring knowledge; and to those who are but " moderately advanced in the rudiments of education, two, or at the " most three, hours a day is obviously too brief a time to afford them a " fair chance of permanent improvement, especially when it is still " further reduced by letter-writing, book-changing, and other things " which do not appertain to systematic secular teaching. There is also " an entire absence in the present arrangements of any stimulus to the " attempts of prisoners to attain knowledge, the acquisition of it being " strictly its own reward, and the loss of it its own future punishment. " Without exactly adopting the principle pursued in the Irish convict " prisons, where prisoners' gratuities are partially dependent upon their " school progress, I think it is most important that the enlightenment " of the ignorance of criminals should be fostered by some encourage- " ment. A spirit of emulation can be very inexpensively produced, " and would save the sad sight of convicts going back into society, after " undergoing long sentences, very little better informed than when they " entered prison. I would not willingly be understood as advocating " any unreal or too advanced educational standard, wishing as I do for " criminals nothing but what is simple, sound, and practical. There is " obviously no universal panacea for criminal tendencies, and all means " may in some cases fail; but I am convinced that in well-directed " thought and rational enlightenment, as much as in enforced hard la- " bour, are to be found the means of permanently establishing industry " and self-control. The worst criminals are almost invariably " possessed of active and restless minds, which in idle hours will " either follow the train of their own accustomed and vitiated " thoughts, or, fretted by restraint, will corrode into the sullen " indifference of the hardened offender against prison discipline. " To save them from the distortions of their imaginations and " their own narrow feelings, it would appear as necessary daily to " give wholesome exercise to their minds as to tire out their limbs, " until by practice mental efforts become as agreeable to the reason as " muscular exertion to the body. There is, too, a deep-seated reason " for this in the circumstances which have led too many into crime, " where it has not been owing to the absence of industry so much as " to the misspending of leisure hours, and sheer incapacity to enjoy " innocent mental pleasures, that they have erred; nor does it detract

" from the sacred influences of religion to aim at the reformation of " the criminal at the same time by secular enlightenment. All men " are not equally open to religious impressions, nor is the law always " obeyed and respected from religious motives, while in many a man " in whom the principle of faith is weak, proved self-interest may save " from crime, and an active mind form a powerful means of self-" government. It is these considerations which induce me to think " that a system of lecturing prisoners upon subjects within the scope " of ordinary minds would form a powerful auxiliary to the reforma-" tory discipline of a convict prison ; and in the place of the present " school arrangements I would propose to substitute regular evening " class instruction, having as its culminating point occasional lectures " by duly qualified persons upon general, but in all cases profitable, " subjects ; such an arrangement superseding to a great extent the " dryness of ordinary instruction could not fail to be conducive to the " moral elevation of those participating in it, if lectures were selected " capable of maintaining the attention of the prisoners, and might in " the later stages of their imprisonment be made particularly to bear " upon their prospects and trials on discharge, enlightening them as to " the advantages of emigration and the choice of a colony. I would " propose at the same time that ordinary school instruction in elemen-" tary knowledge should still be carried on each evening in separate " class-rooms erected for the purpose, and that every prisoner should " attend three evening schools per week, of from an hour and a half to " two hours duration. In addition to nine hours rest in their ham-" mocks, prisoners on public works have nearly five hours daily in " their cells, when their working hours are longest, during which their " only necessary employment is the eating of their meals and the " cleaning of their cell furniture. This time, to so large an extent " at their own disposal, increases with the shortening of the days, " until in winter ordinary prisoners have three hours and a half, and " those in advanced stages four hours and a half, to employ as they " choose after evening prayers. It would be unreasonable to expect " that much good, or any great amount of self-education, would result " from leaving prisoners for so long a time to their own thoughts and " imaginations, or, at best, to their own desultory reading. The " small proportion in which convicts in the later stages avail them-" selves of the additional hour from eight to nine, which is granted to " them as a privilege, plainly shows that something beyond the pos-" session of library books is necessary to retain their attention and to " save them from drowsiness. The fact that there are hundreds of " prisoners to whom reading is a labour also shows, if it were not " otherwise manifested in the manufacture of prohibited articles and " in other ways, that the spare time now given to prisoners in their cells " might be turned to their greater edification ; and I can see no better " way than that I have suggested of converting at least part of it to " their certain improvement ; I am conscious that it would involve a " reorganization of the school department, but I cannot but think that " the benefits accruing from these changes, both to the prisoners and to " the public, would justify and compensate for such a re-construction."

5472. You say that an hour is allowed to them, is that between the time of retiring to their cells and having the lights put out ?—The hour which I have alluded to is the hour that was given to the prisoners who were near the time of their discharge, the hour between eight o'clock and nine. The prisoners who had arrived at a certain stage were allowed to remain one hour out of their hammocks later than the others.

C. P. Measor, Esq.

24 March 1863.

5473. (*Lord Cranworth.*) What was the date of your letter?—The 10th October 1860.

5474. Was the letter written while you were at Chatham?—Yes.

5475. (*Sir J. Pakington.*) Will you be good enough now to read Sir Joshua Jebb's letter in reply?—Yes. It is dated 18th of October 1860: "I beg to acknowledge, with thanks, your letter respecting an "alteration in the school hours, as a means of promoting not only the "instruction of the men, but, if necessary, the strength of the working "parties. This object has been frequently, during former years, under "consideration, but the difficulties and objections which presented themselves have hitherto prevented the adoption of any definite plan. I "have given Captain Gambier an outline of my views on the question "referred to, and have requested him to confer with the governor and "chaplain upon them, and to consider any practical suggestions that you "may be able to lay before him."

5476. And there the matter ended, I suppose?—There was another letter in which I sent a more detailed plan, but the proposal was not further entered into, in consequence, I believe, of the governor and chaplain reporting against my suggestion.

5477. (*Mr. Waddington.*) You conferred, I suppose, with Captain Gambier personally?—Yes.

5478. (*Mr. Bouverie.*) Have you got that further letter here?—I have not got it here, nor the "outline" of Sir Joshua Jebb's "views" referred to in his letter, which was in writing, and of which I possess no copy.

5479. (*Mr. Walpole.*) Your plan seems to have required from the convicts a full amount of work each day in the week, and to have allotted an hour or two in the evening to their instruction?—Yes, at least an equivalent.

5480. (*Mr. Waddington.*) What is the present staff of schoolmasters at Chatham prison?—I think that at Chatham there are four schoolmasters.

5481. Would that number be anything like sufficient to manage such a system as you have described?—I think quite so, for keeping up the existing amount of instruction.

5482. From what class were the lecturers to be selected—from the schoolmasters, or would you have additional persons employed?—Perhaps the schoolmasters would not be qualified to be lecturers; but I do not quite know.

5483. Do you consider that the schoolmasters are well qualified for that purpose?—I do not. I think that they are very inferior.

5484. Do you think that the class from which the schoolmasters are selected might be rather a higher class?—Certainly. I think that a few pounds in a year would be well spent in promoting the improvement of the class of convict schoolmasters, if that was necessary.

5485. I suppose that the nature of the instruction given to these convicts must vary according to the different degrees of intelligence in the convicts themselves, for I presume that there are many who can neither read nor write?—There are a great many.

5486. And another portion of them who must be almost entirely ignorant of history or natural philosophy?—Yes, the greater part of them, I should think. I do not think that history or natural philosophy are exactly essential subjects for convicts.

5487. What should you propose to teach them?—I think that there are a great many other subjects that might be entered into. I should teach them plain common sense from the practical experience of the world, illustrated in every way.

5488. What do you think the schoolmasters should teach them?—I think that there is a very large range of subjects which the schoolmasters might go into without entering at all upon abstract science, natural philosophy, or history.

5489. Political economy?—I think that there are subjects as regards the works of God in creation, the uses of common objects, the examples of industrious and self-made men, the growth and resources of our colonies, and many others which would be profitable, and would to give them practical and common sense views. I would eliminate religion from ordinary school instruction in convict prisons, reward progress in solid and useful secular acquirements, and let the chaplains have their own separate classes or arrangements for religious teaching.

5490. The moral part of the instruction would be rather the office of the chaplain, would it not?—I do not think the chaplain should have a monopoly of the ground of morality. Whatever is not evil or out of place tends to further morality. I should say that the great test of a suitable education for convicts should be its utility in life, and that it should embrace all common subjects and pursuits.

5491. That would be rather accomplished by teaching them a trade, would it not?—It is not simply a trade that is wanted, for that would only occupy their thoughts during the hours of labour.

5492. You think, perhaps, that the doctrine that honesty is the best policy should be taught?—I think that would be a very good subject for a lecture.

5493. As distinguished from religious views?—Yes, entirely—teaching them the policy of self-interest.

5494. With regard to imparting any particular knowledge, you do not suppose that that is possible?—I have a great objection to giving convicts any absurd theoretical notions, or a smattering of subjects which are utterly above them.

5495. You would confine the instruction to teaching them that it is their interest to conduct themselves properly in the world?—That should be the aim of much of the instruction.

5496. And to amend their ways?—Yes, and get on in the world.

5497. What is your opinion as to the evening service in the chapel; is that desirable for these men or not?—I do not think that the time which is taken is very much to be grudged, unless there was a very different application of the rest of the hours. I think that there is no possible harm in having a second service, for it is a very pleasing thing to see religion made a subject in their teaching. I should rather, unless it was proved to be a sacrifice of more than a very fair quantity of time, not give it up. It would depend on how the time would be otherwise used.

5498. The time, I believe, that is occupied is less than half-an-hour? Yes.

5499. You have formed, I believe, a strong opinion as to the system of separate confinement which precedes the imprisonment on public works. Will you be good enough to state your views upon that subject?—My objection to the long continuance of separate confinement rests upon two grounds—one is its tendency to decrease the physical energies of a man, and the other is that it cannot be turned to any profitable account as to labour. The value of the labour at the separate prisons is only about a sixth of its estimated value at the public works prisons; and if the object be the reduction of the system of a criminal, it appears to me that that would be as easily attained, and in a more natural way, by lengthened enforced labour. I think that separate confinement might very well be reduced to three months, or something like that, and I find that it is

C. P. Measor, Esq.

24 March 1863.

nearly so in practice; that the prisoners are not removed from the close prisons, and the only real object which it seems to me is attained by separate confinement is to get a man into prison routine. I do not believe in the moral effect, or I believe rather that it has an injurious moral effect if carried out too far.

5500. Do you not think that under the exhortations of the chaplain it induces them to reflect?—I do not believe in impressions that are made in that sort of way. I have observed when they come down to the public works prisons that they are in a very flabby condition of mind, and a very flabby condition physically, and I believe it produces both effects.

5501. You are able to state that from your own experience?—Yes; I have seen men who have come from separate confinement to whom I should be sorry to talk upon any subject with the expectation of getting any reasonable view from them; they appear as if they had been undergoing something which had so utterly depressed their system that you would no more think of treating them as reasonable beings capable of being strongly remonstrated with, than you would a man who was almost at the door of death.

5502. Did you observe any improvement in those men when they were put on the public works in the open air?—Very considerable improvement, and very frequently there is a most rapid change; but in some cases they are greatly depressed at first from the suddenness of the change, but afterwards they recover themselves.

5503. With regard to the diet, have you formed any opinion as to whether it might be reduced without any danger to health, or to the power of performing their labour?—I think that the diet should always be in proportion to the work actually done.

5504. At present the diet is a uniform one?—Yes.

5505. Except for a person who is placed under punishment?—Yes.

5506. How would you propose that the diet should be regulated in such a prison as Chatham?—As I have said, I would make the diet proportionate to the work actually done.

5507. Do you mean the diet of each particular convict?—Yes, if it could be done as to each convict, but certainly, as regards the classes or parties, I think that a plan might be introduced that would give the convicts only the result of their actual labour in the way of diet.

5508. Do you mean that the dietary in each gang should vary according to the work they had actually done?—Yes.

5509. In that case there must be a report upon the work performed before the diet of the day was settled?—It could hardly be adopted as a daily matter, but it might be done I think weekly.

5510. Do you think that that is really practicable?—I think so.

5511. Assuming that there is to be a uniform diet, do you think that the present diet is excessive in any way?—I think that it is certainly excessive as to a great number of the prisoners, in proportion to the work they do.

5512. Suppose there to be a uniform diet, do you think it could be generally reduced?—I think then that it could be reduced. I think the entire dietary scale is pitched too high.

5513. To any great extent?—Yes, I think it could be considerably reduced.

5514. In what article would you make the reduction, in the meat?—Yes, certainly, in the meat and vegetables.

5515. And generally?—Yes; I find that the scale of diet in convict

prisons is vastly beyond that in any goal or workhouse, and in the most ridiculous disproportion.*

5516. Have you any other suggestion to make as to punishments in prison, for prison offences ?—I do not know that I have at the present moment.

5517. (*The O'Conor Don.*) You were deputy governor of Chatham prison for some time before the outbreak at that prison took place ?—Yes.

5518. For how long were you deputy governor ?—I had been there two years and three or four months when the outbreak occurred.

5519. You had been deputy governor, I suppose, under the previous governor ?—Yes ; I have been deputy governor under two governors of that prison, Captain Buller and Captain Powell.

5520. In what state was the discipline of the prison before the outbreak occurred ?—I do not think it was in a very satisfactory state. I think that there were signs of the outbreak long before it occurred.

5521. For how long ?—For months.

5522. For a year before ?—I should say for three or four months before ; some signs even perhaps a year before ; lesser signs.

5253. Was the discipline in the prison very lax at the time when Captain Powell was appointed governor ?—No, I do not consider it was lax.

5524. Do you consider that the outbreak was in any way to be attributed to the want of assistance rendered by the officers of the prison to the governor ?—I have not the slightest doubt that the inefficiency of some of the staff contributed to it.

5525. Do you think that any great change was made in the discipline of the prison on the appointment of Captain Powell ?—None. I know that no great change was made. The discipline of the prison was carried on in precisely the same way, and I do not think that the discipline could be at all complained of when the prison was in charge of Captain Buller.

5526. So that the outbreak could hardly be attributed to a stricter discipline being enforced in the prison ?—Not at all.

5527. How long did the outbreak last from the time it commenced until it was put down by the military ; how many hours ?—The first thing that I saw of it was from my own house ; in fact, my office as deputy governor had expired, but I saw the disturbance at about half-past one or two in the day in the prison, and from that time until, I should think, five o'clock, or between five and six o'clock, order was not at all restored.

5528. Was the prison in the hands of the convicts during that time ?—It was in their hands, I should think, for three hours—the main body of the prison.

5529. Did they do any damage ?—They destroyed nearly everything they could possibly destroy. They destroyed the stoves, the clocks, and every pane of glass, and they entirely destroyed the chief warder's office, and every record in it. In fact, they only left off because their destroying power could not go any further as regards the body of the prison. There was only their cell furniture left, and some of them had set fire to their bedding when the prison was retaken.

---

* A pauper in some unions gets only 4 oz. of meat per week, while a convict on public works gets 39 oz. of solid meat without bone per week, 27 oz. of bread, and 1 lb. of vegetables daily to enable him to do little more than an average seven hours work daily throughout the year. Factory children of 13 work for ten hours and a half at labour which is more incessant, and relatively quite as exhausting to them.

C. P. Measor, Esq.

24 March 1863.

5530. The military, I believe, were called in to quell the outbreak?—Yes.

5531. About how many were there?—I think that in the prison yard and about the prison there might be at least 800 troops.

5532. To what do you attribute the outbreak?—I attribute it to some slight extent to a want of proper control on the part of the superior officers of the prison—those in the position of the principal warders, and some of the senior officers, and also very largely to the fact of the system which has been pursued with respect to these very large prisons.*

5533. What do you precisely mean when you say that you attribute it very largely to the system pursued in these large prisons?—I mean to say that prisons of that size are in my opinion always liable to disturbances of that sort. I think that after you get beyond a certain number of prisoners the force of individual evil is exercised over a greater number of men, and becomes very much greater, and therefore these very large prisons are always liable to be disturbed in such a manner. It also directly leads to indiscriminate and wholesale punishment, as was proved on this occasion, which is, in my opinion, a course subversive of every chance of reformation.

5534. Since the outbreak took place I believe that a military guard has been established in the prison?—Yes, ever since the outbreak a permanent military guard has been placed there. There had been none up to that time.

5535. With respect to those prisoners who were punished as you have stated by being kept in chains, were they actually kept in chains?—Yes; I look upon that in two lights—it was done partially as a precaution, partially as a punishment for what they had done.

5536. How were they kept during the night?—They had to lie down in their clothes.

5537. With their chains on?—Yes.

5538. In their cells?—No, they were kept together in rooms; the wash-house was used as one place, also the bath house.

5539. With respect to the other convicts who were supposed at first to have been engaged in the mutiny, what was done at that time?—They were all placed on bread and water.

5540. For how long?—For four or five days.

5541. How many of them?—The whole of the prisoners, with the exception of those who were in the chapel at the time, or in one of the workshops, to which some of the prisoners had got; all the rest were placed upon bread and water. There were about 850 put on punishment diet by the director's order.

5542. For four or five days?—Yes, and closed in their cells.

5543. You have stated that you do not approve of gratuities to warders, do you believe the warders are ever afraid of reporting against the men who are placed under their charge?—I am confident that they are.

5544. What has led you to believe that they are afraid?—From inquiring into various cases, which I have had an opportunity of doing as deputy governor of the prison, with regard to the attitude assumed on the one part by the convicts, and on the other by the warders.

5545. Judging by your own experience, you believe that the warders are in fear of the convicts placed under their charge?—I do not say that all the warders are in fear, but there are cases in which there is a terrorism which they feel as regards the convicts.

* The return of re-convicted men to the prison they had passed their previous sentences in, and the mixing up of men in all stages of their sentences and of every shade of depravity contributed to it.

5546. And you think that this terrorism leads the warders to report, very frequently, well of the convicts, when they perhaps ought not to do so?—Yes, and when there is no necessity to do it, and so as to give them V.G. for their work when they are not deserving of it, and to abstain from reporting their misconduct.

5547. (*Mr. Bouverie.*) Have you ascertained that as a fact?—That is my opinion from the experience I have had.

5548. (*Sir J. Pakington.*) I suppose when you ascertained that, as deputy governor you reported the warder?—I should not be exactly in the position, upon a general impression of that sort, to report a man. It is the impression upon my mind, and a very strong one, indeed it is a thorough conviction; but at the same time, unless in very special cases, when I have found that a man had actually told an untruth, or otherwise proved he was not deserving of confidence, I could only confront him with such evidence as I had.

5549. (*The O'Conor Don.*) With respect to the value of convict labour, do you believe there is any sufficient test for that at present?—I do not think there is at all an accurate test.

5550. Can you suggest any other test?—I think that if the work was paid for by some other department of the Government, and the officers of that department had the valuation of the work, it would then become a question of fair value between one department and another.

5551. You believe that as a great deal of work is done by one department of the Government for another department, it would be more satisfactory if the department for which the work was done were regularly to value it and pay for it?—Yes, it should be a regular question of contract, which would be tested by the department for which the work was done.

5552. I believe you have made some statements in the pamphlet which has been alluded to respecting the mode of transporting convicts, and also as to the class of convicts who are transported?—Yes.

5553. Have you any observations now to make upon that subject?—I have a very great objection to the present mode of transporting convicts. I consider that convict ships are a source of pollution to convicts in every possible way, and of the most horrible description, and you can have very little hope of doing any good to them permanently in a new colony unless the whole system of transportation is altered with regard to their being thrown together in very close association as they are. I have been informed by convicts over and over again that convict ships are nothing but schools of unnatural crime, and I can hardly wonder at it from the close approximation of one individual to another.

5554. How would you propose to remedy that state of things?—I see no reason why you should not fit up a ship with perfectly separate cells, covered with iron wire, so that the men should be kept in just as real a state of separation as you have them either at Millbank or Pentonville.

5555. Do you think that in that case you could embark as many convicts on board a ship?—I do not say that you could send out so large a number, but I think the question of expense is a very inferior one to the question of morality, and the evil results of the present system are not to be denied.

5556. You believe that by the use of such cells as you have described these crimes could be prevented?—Yes, entirely, I think, on board ship.

5557. Do you know from your own knowledge that these crimes have been committed, or do you speak only from mere report?—I have never been in a convict ship, and, therefore, I cannot say from my

C. P. Measor, Esq.

24 March 1863.

own knowledge, but I have no hesitation in saying that the thing has been brought before me in the most unmistakeable manner.

5358. (*Lord Cranworth.*) Do you mean by convicts?—Yes, by those upon whom I could put reliance, for there is a great difference between them—there are reliable convicts and there are convicts upon whom you cannot rely.

5359. (*Mr. Walpole.*) Do you mean transported convicts who have come back again?—Yes. I had charge of the whole of those convicts who came back from Bermuda and Gibraltar, and therefore I had a fair opportunity of ascertaining this.

5360. (*The O'Conor Don.*) Are the class who go to Bermuda and Gibraltar a worse class of convicts than those who go to Australia?—I do not think that they are. I think that there has been of late years a tendency to send out some of the very worst of them to Australia. I have seen worse men go to Australia, but I have certainly seen very bad men come back from Bermuda and Gibraltar.

5361. Do you think that their stay in Bermuda and Gibraltar did not improve them?—Yes; I am convinced that some of the convicts sent home are utterly unfit for liberation.

5362. As to the class of convicts who are transported to Western Australia, do you believe them to be of a very bad class?—Yes, in the last ship, the "Lord Palmerston," which sailed from Chatham, we sent out as bad a set of men as I ever knew.

5363. Were any of those men guilty of unnatural crimes?—I think probably there were some few cases of men convicted for that offence, but they were men who had been convicted of very serious offences, all of them, and they were very bad convicts irrespective of their crimes—they were extremely bad convicts.

5364. The very worst of convicts?—Yes; in fact an order was given to select the men who were the most unfit for liberation in this country. I recollect that that came down as the instruction.

5365. An order was sent down to select such men?—Yes, those who were the most unfit for liberation in this country.

5366. From whom did that order come?—From Sir Joshua Jebb, or perhaps it came from Captain Gambier.

5367. What was the date at which the "Lord Palmerston" sailed?—I think it was in October or November of 1860.

5368. Was it shortly before you left the hulks?—Yes, before I left Chatham, and those convicts have been complained of in Australia since; I know that.

5369. In your pamphlet I think you have mentioned something about the marking of convicts who are recommitted with a brand; should you still be in favour of that?—Yes; I think it would be perfectly proper, with reference to the safety of society, for I have known men to go out of convict prisons of such a class that you might just as well let any wild beast out of a menagerie as let those men loose in England, and of whom I could have said that such and such a man would not be out of prison a week before he committed some horrible atrocity.

5370. And such men have been released?—Yes; even life-sentenced prisoners I have known whose discharge has been a great public risk.

5371. Had the conduct of such a prisoner as you have alluded to been good whilst he was in prison?—Certainly not; he would very likely, during the last three or six months of his detention, endeavour to assume a new face altogether, knowing that his only chance of obtaining his liberation was to appear a little more amenable to the rules and regulations of the prison, and he would therefore try to conduct himself as well as he could for the purpose of getting his liberty.

C. P. Measor, Esq.

24 March 1863.

5572. With respect to the remission of a sentence, when a convict forfeits any part of his remission, is he not able to regain it by subsequent good conduct, or a portion of it?—According to the regulations laid down in reference to the liberation of convicts who were convicted under the Act of 1857, the rule is, that when a prisoner has forfeited so much of his time, that two-thirds of it can be remitted afterwards by the director of convict prisons.

5573. Do you approve of that rule?—I do not. I consider that it should be an entire loss to him.

5574. You think that when a convict misconducts himself, and forfeits some of his remission, he ought really to forfeit the whole of it?—Yes, entirely.

5575. Under the present rule, if a convict misconducts himself at the commencement of his sentence, and towards the close of it gets the letters V. G. placed against his name for several days, nearly the whole of the forfeiture is remitted to him, is it not?—Two-thirds of it can be remitted for good conduct and labour at the director's discretion, and he has a greater stimulus of course in the latter part of his time, for he earns so much gratuity, and he wants to get out of prison, and therefore there is a great inducement to a man to conduct himself properly.

5576. So that a man who conducts himself throughout his sentence well is not in a very much better situation than a man who first misconducts himself and subsequently conducts himself well?—Precisely so.

5577. With regard to the character of the warders, you seem to object to the class of men who are, as a rule, appointed to those situations?—Yes.

5578. Have you ever known instances of those warders being in communication with discharged prisoners?—I have known instances of that.

5579. And of warders acting dishonestly?—Yes, I have known even that; such cases are not numerous, but I have known instances of that.

5580. I presume in such a case as that the warder would be dismissed?—Yes.

5581. Do you believe that such cases are numerous?—I have no reason to say that; they have not been numerous under my own observation.

5582. Have you ever given any attention to the subject of police supervision over the convicts who are out on tickets of leave?—Yes.

5583. What is your opinion with regard to that?—I consider that there should be a system of supervision, but that possibly police supervision might be dispensed with as a universal rule. I think that the terms of the licence, if that is to be the rule, can only be carried out under some system of supervision; but I would not in every case place convicts under the supervision of the police.

5584. What line of distinction would you draw as to that?—I think that it can only be done by a very careful analysis of the character and antecedents of a convict with reference to his prison conduct, and a thorough consideration of the entire circumstances of the case. There are many criminals over whom it is perfectly unnecessary to exercise any very great supervision; but there are others as to whom it would be necessary that the police should almost walk with them from the prison door, and I think therefore that every case should be treated alone. Some proposals of mine for the purpose of maintaining a system of effective supervision of convicts at large have been laid before the Commission.

5585. Do you think that police supervision would greatly interfere with the convict's means of obtaining employment?—No, I do not think it would interfere with his means of obtaining employment.

C. P Measor, Esq.

24 March 1863.

5586. You object, I think, to a convict remaining for a long time in separate confinement?—Yes.

5587. You stated, as I understood you, that practically separate confinement was limited to three months, what did you exactly mean by that?—I mean this, that in Millbank prison the cell doors are opened after two months, as I am told, and that the prisoners, therefore, have an opportunity of conversing with the men opposite, and that is not separate confinement.

5588. Do you know that as a fact?—I believe it to be the fact, I have no doubt of it.

5589. What do the schoolmasters, at the present time, teach prisoners on the half day in the week, what subjects?—They have certain books of instruction, but they scarcely do more than hear them read. There is no effort made to draw out their minds, or to interest them, as far as I have seen; indeed it is looked upon as a half-holiday. Religion forms a prominent subject of instruction and reading.

5590. You do not think that the prisoners derive any great benefit from the schooling?—No, I don't think they do.

5591. Do you know whether any of the prisoners leave the prison unable to read or write?—I know that a large number do. I took the trouble to inquire as to the prisoners going out of prison, and to whom I had to give licences; in almost every case I inquired whether they could read them, and my experience on that subject proved that there were very few who went out of prison who were able to read.

5592. Notwithstanding the schooling they had received?—Yes.

5593. (*Mr. Childers.*) You said it was within your knowledge that instructions had been sent down to select for the "Lord Palmerston" men who were the least fit to be discharged in this country. Did you see that instruction?—Yes, I did, and my belief is that the words actually used were these, "That those prisoners," after describing other classes, "are to be selected who are the least fitted for discharge in this "country."

5594. Had you any responsibility in selecting those prisoners?—I had to assist the governor in the selection of them.

5595. You shared in the responsibility of acting upon that instruction?—I did, certainly.

5596. Did you pass over men who had shown by their prison conduct that they were confirmed criminals?—Not at all; we rather thought that we were encouraged to send those.

5597. You did not select men who you thought would be benefited by going to a new country, but you simply selected the men whose absence from this country you thought would be a benefit to it?—Yes, that was my impression of what was wanted.

5598. I presume you did not select men who were at all suspected of committing unnatural crimes?—Upon that point I could not say—I could not even distinctly assert—that any man who had been convicted of unnatural crimes went. I cannot give any decided answer upon that.

5599. Do you know the result in the case of the "Lord Palmerston?"—I saw the report of the chaplain from Western Australia, which stated that they were the worst set of men who ever went there, except those who went by the "Nile."

5600. With respect to the men who were sent out by the "Lord Palmerston," did they volunteer to go?—A great number of them asked; men will always ask to be transported. Many of the men volunteered, I believe, but not all of them.

5601. Were any of them sent against their will?—Not one, that I know of.

5602. Do you find in practice that the worst class of convicts wish to be transported ?—All prisoners will do anything for a change of that sort; they like excitement, and the voyage is a great excitement to them. They all wish when a ship is going out to go, and convicts will always volunteer to be transported.

5603. Even although they were approaching the time when they would obtain a ticket of leave ?—Yes. Of course there are some few exceptions—such as men who have their wives and families here; but in those convicts who may be described as the very worst class, there is always that sort of adventurous feeling among them that they would like a voyage, even although it lengthened their sentence.

5604. And even if they were approaching the time at which they would become entitled to a ticket of leave ?—Yes, I think that a great number would.

5605. You do not distinguish between those who wish to recur to evil courses, and therefore do not desire transportation, and others who desire it because they wish to improve ?—No, I do not even make that distinction. My impression is, speaking of these men, who, I will not say wish, but who would return infallibly to evil courses, that they are exactly the class of men, and of the very description I have named—that is, men of an adventurous disposition.

5606. In what manner, having in view your prison experience, would you amend the transportation system so as to make it more useful? —I would certainly not send out any man who had not undergone the very best system you could devise in England for his improvement, and who had not shown under that the most satisfactory individual results.

5607. You would not transport men in order to get rid of them, but to amend them ?—Yes.

5608. Do you think that that object would be best attained by sending out men who had gone through a satisfactory probation, rather than by sending out men immediately after their sentence ?—Yes, I certainly do think so.

5609. With respect to the arrangement on board a convict ship, has not some improvement taken place of late years ?—All the improvement that I have seen is an improvement to the extent of a few inches as regards the accommodation afforded. I consider that whether a man has 16 or 18 inches to sleep in for his berth does not at all affect the question of whether it is right to expose convicts to temptation to commit horrible offences. They still lie in closer approximation than is decent.

5610. You have stated that you thought the present scale of diet in convict prisons was excessive in amount ?—Yes.

5611. Do you mean in the total amount, or in the proportion of solid meat ?—I think it is excessive in the total amount as well as in the proportion of solid meat.

5612. Would you apply that answer to the diet in the later stages of imprisonment ?—Yes, certainly, it is very applicable there for they get more in quantity even.

5613. Might it not be an encouragement to a man to allow the diet in the later stages to be better ?—I do not at all object to a graduated system of improvement in the diet, but I think the present system is wrong from beginning to end.

5614. (*Mr. Bouverie.*) You have expressed it as your opinion that the convicts might be made to work for their food, and that the food of each gang should be in proportion to the amount of work they performed. Have you ever endeavoured to ascertain whether that could be carried into effect practically by the prison authorities at Chatham ?—I think it could be done, but I have never myself pursued it in any way.

C. P. Measor, Esq.

24 March 1863.

5615. You have never gone farther than the idea?—No, it is a mere theoretical opinion with me at present.

5616. (*Lord Naas.*) You have stated that you were in favour of instruction being given to the men at night?—Yes.

5617. Do you think there would be any practical difficulty in the way of working that out in consequence of having to move the men about from one part of the prison to another after nightfall?—I do not think that there would be any difficulty.

5618. You are of opinion that in a well lighted prison it could be done?—Yes, and very easily.

5619. In a prison where there was plenty of light and large halls the prisoners could be moved about after nightfall by gas light as well as in the day time?—Yes, quite as easily I think.

5620. Do you think that the difficulties you have experienced generally in convict management would be greatly lessened by keeping the convicts in smaller bodies?—Very materially lessened.

5621. Will you state your opinion as to the largest number of convicts that you think can be kept together and successfully managed?—I think between 300 and 400 convicts are the largest number that you can keep together with any view of doing them any good.

5622. Do you think that keeping them in smaller bodies would very much increase the expense of their treatment?—I do not think it would.

5623. Do you think that the officers would have a far better opportunity of making themselves acquainted with the men than they have now?—Certainly, a very much greater opportunity. Under the present system no governor of a prison can know anything of many of the convicts who have passed through his prison. A convict comes to a prison and is seen by the chaplain, and he may be seen by the governor, but he may go out of the prison even at the end of the whole of his sentence without ever having seen the governor to speak to, or without ever having had any personal communication with him. I mean to say that that could occur.

5624. (*Mr. Bouverie.*) Can that be so if the governor does his duty?—It could occur that a convict might pass a long period of penal servitude without having any conversation with the governor.

5625. (*Lord Naas.*) Your view appears to strike at the root of all successful convict punishment?—I think it does as far as the fact goes in reference to the reformatory purposes of punishment; but it is a contingency inseparable from having such large prisons.

5626. (*Mr. Bouverie.*) You stated that you had been for some time in command of the Stirling Castle hulk?—Yes.

5627. Were the convicts on board of that hulk separated at night in any way?—No, they slept in hammocks, which was the old hulk system.

5628. Was there any supervision?—Yes, there was an officer walking up and down the decks all night.

5629. Were any complaints made of the conduct of the men at that time?—No, I never heard of one during my time.

5630. (*Chairman.*) You have stated that you thought it would be desirable that convicts should be broken up into smaller bodies, of not more than 300 or 400?—Yes.

5631. Do you think it would answer the same purpose if in one establishment, like Chatham, there were three or four different buildings in which the convicts were divided?—I think you might sub-divide that convict prison, and deal with it in such a practical manner as to make it nearly as useful an establishment through sub-division.

5632. Would there not be this advantage in having three or four prisons together, that in case of any outbreak in one of them, you could concentrate the whole force of the establishment, or nearly so, in order

to suppress it?—I think, on the other hand, that there might be a corresponding disadvantage which would increase the difficulty. I mean that one prison might infect the other, and that you could scarcely reckon on having the aid and operation of all the officers in one part without having the danger of contamination to some extent.

5633. I am assuming that the prison was so regulated that, being divided into classes, the classes could not communicate with each other?—In that case I think it might be desirable to have them within a reasonable distance.

5634. Would there not be this further advantage, that you could then make this division subsidiary to the purpose of which you spoke, that of regulating the diet according to the conduct and industry of the men?—I think it could be done.

5635. I understand that in the Irish prisons there is a class of idlers who are kept by themselves, and are fed upon a light diet because they do light work. In the same manner, if the prisoners were divided into classes, might you not apportion their diet to a certain degree according to their conduct?—Yes.

5636. Do you think that the prison at Chatham is capable of being altered in that way?—It is one of the most difficult prisons to alter that I know of, but it could be altered.

5637. You have expressed a strong opinion in favour of giving school instruction in the evenings, instead of interfering with the labour of the men for that purpose. Would it not be necessary to have additional class rooms?—Certainly.

5638. And they must be built in such situations that the men could be brought to them without any risk of their escaping?—Yes.

5639. Might they not be so arranged that they should never be in the dark when going to them?—Certainly; that is indispensable. I see no difficulty in it.

5640. How many class rooms do you think would be necessary?—I should think two or three. Three I should think would be quite sufficient.

5641. Would three be enough for 1,100 prisoners?—I think that if they were instructed, as I have proposed, on alternate days in the week, that three rooms would be enough.

5642. There would then be nearly 200 in each class at a time?—Yes; three or four rooms at the very outside, would, I think, be sufficient. There are now 100 and over in one room together, that is in the chapel, which is used for school purposes. By the arrangement proposed only 60 at the outside would be in one room together.

5643. Do you think that a single schoolmaster could effectively attend to the instruction of so large a class as that?—Perhaps he might require assistance, but I think that a single schoolmaster might well keep a much larger number than at present fully occupied, and considering the few hours he would be occupied that his own exertions should be stimulated.

5644. Having reference to the very great variety in the knowledge of the convicts, would it not be rather desirable to have them in small classes, in order that the instruction might be properly adapted to their different capacities?—Yes, it would certainly; and I should very much approve of any increase in the number of the teachers, and the breaking up of the classes into smaller numbers for instruction.

5645. You expressed an opinion, I think, that there ought to be separate cells for the convicts in a public works prison?—Yes, there are very few strong separate cells in proportion to the very large number, and I think that the construction of a prison is a very important part of it. My own opinion is that the thing to be desired more than anything else

C. P. Measor, Esq.

24 March 1863.

is an arrangement which would render a prison convertible at times from the stricter system of separation into a more gradually associated one. I think that a plan of that sort might be adopted with respect to certain parts of a prison. Captain Whitty, the present director of the Irish convict service, arranged some very admirable cells at Philipstown, which includes the principle I should like to see extended very much. These cells were just a framework of wood, with a mere iron wire over them, so that the prisoners were perfectly separated, and at the same time it was removable. I think that is an idea which might be well extended, and that in these large prisons it would be extremely desirable to have parts of the prison which you could convert from one kind of confinement into another, from stricter or half separation into association, as you might wish.

5646. What you desire, as I understand, is some mode of dealing with convicts who misbehave themselves, without sending them back to Pentonville or to Millbank?—Yes, a large increase in the number of the stone cells as well is required.

5647. And proper separate cells, in which the prisoners might be treated upon the separate system for some time?—Yes.

5648. Do you think it is highly desirable that that should be done, without having the men sent to Millbank?—Very desirable, because I know that the men will be inclined to misconduct themselves for the very purpose of being removed up to London. I remember an Irish prisoner, telling me that "he would take three dozen lashes in order to have a "ride on the outside of an Irish car," and I have no doubt that there is great truth in it. I remember a man who came to Chatham, who was thoroughly incorrigible. I had had him under me at Philipstown prison, and he was flogged twice there. When I saw him afterwards in England he had been in the English convict service for one year, and he had had eight removals from one convict prison to another.

5649. You think that convicts attach great value to anything that breaks the tedium of a uniform mode of life?—Yes, anything that will relieve them from the monotony of it.

5650. Anything that would give them, upon any pretence, a journey?—Yes.

5651. When a prisoner commits an act of violence under the present system he can only be adequately punished by being sent for trial to the assizes, and do they not look to that removal from prison as rather an advantage, and does it not diminish the effect of the subsequent punishment?—I think it does, and that the dread of the consequences of violent conduct is thereby diminished.

5652. Do you think it would be desirable therefore that in cases of violence against warders, there might be some more prompt means of inflicting punishment upon them?—I think it would be most desirable.

5653. Are there not a few men to be found in most prisons who are so violent that they commit assaults upon the warders, and whose discharge from prison may be attended with very serious danger to the country?—Very serious danger.

5654. For those men would not the proper punishment be a prolongation of their original sentence?—Yes.

5655. Is it not desirable in those aggravated cases that that prolongation should be inflicted without going through all the forms which are necessary when they are committed for trial to the assizes?—Yes, I think it would have a most salutary effect, and that a prisoner would feel, when he placed himself in the position of a criminal, that he was out of the pale of society altogether, and had not the advantage of those tribunals which the law allows to other persons. I think it would have a

most admirable effect upon all those prisoners who are inclined to commit outrages.

5656. Do you think that a man who had incurred the punishment of penal servitude should not expect to have the same guarantees for his liberty that a man who had behaved well had?—Yes; I consider that under a system which tolerates no inhumanity or severity, a criminal committing himself should not possess, or expect, the same guarantees.

5657. Do you think that the schools ought to be placed under the control of the chaplain, or that the schoolmasters ought to be placed directly under the authority of the governor?—I think it would be very desirable that they should be more under the authority of the governor.

5658. And, as to secular instruction, that the chaplain should not much interfere?—No, the chaplains do not, I think, practically very much interfere with that. I do not know of any case in which I have found a chaplain examining a class on secular education, but it is their privilege, and they keep the door, as it were.

5659. Do you think it would be better if the schoolmasters reported directly to the governor, and that they were placed more directly under his superintendence?—Yes.

5660. I believe it is not the practice now for the chaplains to visit the prisoners in their cells?—Not at the public works prisons; it is never done except in the close cells when the convicts are under punishment.

5661. The Commissioners have been informed that when Pentonville prison was first established the chaplain at that time used to visit the prisoners in their cells; do you think that that was a better system?—I do not think that there would be any possible use in it in the public works prison, and for this reason, that the cell in one of these prisons is just the same as an associated room, and if the office of the chaplain is to be of any use it requires a private interview; you cannot have that where the whole of the remarks made by the chaplain are overheard by the prisoners on both sides.

5662. I suppose there would be a difficulty in sending a man to the chaplain instead of the chaplain to the man?—The present practice is that when a convict wants to see the chaplain he intimates his wish, and he sees the chaplain in his office.

5663. Do you think, with respect to that point of waiting to be sent for, it would be desirable that the chaplains should have greater opportunities than they have now of seeing the men individually?—I think you cannot increase too much the facilities for the chaplain's visiting the convicts, and for in every way promoting intercourse between them.

5664. Do you think that the present mode of recording the conduct of the convicts and their industry is satisfactory and easily understood by the convicts?—I do not think it is very satisfactory; when I speak of their industry I have no objection to that part of the classification if it could be properly applied, but I think what is wanted is to improve it by having a more real test of what the convict does. As to rewarding men upon classification for simple abstinence from violence, I think that a great many of the evils in convict prisons arise from that. I do not think that the men should for one instant be allowed to suppose that they have anything given to them for the purpose of keeping them quiet.

5665. You think that they should be punished for misconduct but not rewarded for abstaining from it?—Yes.

5666. Do you not think that the system of marking G. and V.G. is a little difficult to enable the men to comprehend exactly how far they are earning their period of remission or not?—I do not know that there

C. P. Measor, Esq.

24 March 1863.

is any great difficulty in it, I never heard any objections on that score from the convicts.

5667. Is it not a little arbitrary that a proportion of the remission is to be forfeited in consequence of the absence of a sufficient number of good marks?—I do not know that there is any actual deprivation of remission in consequence of the absence of a certain number of good marks; a loss of gratuity occurs, but not as a necessary consequence a loss of remission.

5668. The Commission has been informed that if a man had not the mark of V.G. pretty generally, he would not be considered as having earned his remission?—It is totally new to me in the English system if that is a part of it; the only loss to a prisoner as I understood was from his misconduct, when he was put into the cells, or upon bread and water, then the Governor would take away from him so many days of his remission; but in extreme cases of idleness at work, which are rarely reported (and would consist not in the scarcity of V.G.'s, but in the giving of less than G.'s in the continuance of O.'s (ordinary) for some time) an offence would exist which would be dealt with as a cumulative one, and subject the delinquent to close confinement and bread and water, and consequently to the loss of remission.

5669. We have understood that if a man had not the letters V.G. generally against his name, he would be considered to have forfeited a certain part of his claim to remission?—I never saw that carried out; the only thing which at all hinges on that is this, in the notice to convicts sentenced under the Act of 1857, where it says, "To obtain a remission of a portion of a sentence, it is not merely sufficient that a convict shall keep clear of the defaulter's book; the authorities must be satisfied in their own minds that a man has really endeavoured to profit by the instruction and industrial training which has been afforded him during his imprisonment, and that there is reason to hope and expect he will endeavour to earn an honest livelihood on discharge." That is the only way in which I ever heard of any general verdict as regards the convicts' exertions. The only other way in which a convict has been deprived of any part of his sentence is this, he is brought before the governor, and he is sentenced for any offence to so many days bread and water if he is put into the cells, and in that way the governor must add to that a deprivation of so many days from his remission.

5670. The present system is not that of earning by a certain amount of exertion a certain amount of remission; but a man is rather considerered entitled to a certain remission unless he forfeits it by misconduct?—Yes, as I understand it, and that misconduct must obtrude itself very forcibly as regards labour, for I consider the general verdict of the above regulation quite impracticable.

5671. You have stated that you thought it would be an improvement if the work actually done was charged by one department to another?—Yes.

5672. So as to be sure that it was properly valued?—Yes.

5673. I wish to know whether you think, in the present mode of managing convicts, any difficulty arises from a conflict of authority between those who have charge of the convicts, and those who have charge of the works?—I know that difficulties have arisen within my experience, at Chatham, as regards the officers of the Admiralty in the dock yard and on St. Mary's Island.

5674. Do you think that, in order to obviate those difficulties, it is desirable that the convict department should be put in the situation of a contractor, and that the work to be done should be specified by the department for which it was to be done, and then, that the convict

officers should use their own discretion as to the mode of executing the work?—That is precisely my idea; I have advocated that in my pamphlet, and I think it would work well.

5675. Without any interference on the part of the department for which the work was executed, except to see that it was properly done?—Yes, without any interference on the part of the department for which it was done. They should receive full value for whatever was to be paid for.

5676. You have expressed a strong opinion that the convict ships, as at present fitted up, are very injurious to the convicts?—Yes.

5677. In your pamphlet I think you suggest that it would be desirable to have some large ships, such as line of battle ships, fitted up as convict ships?—Yes, I think it would be desirable.

5678. Do you contemplate that those large ships should be fitted up in a permanent manner, and be kept going backwards and forwards between this country and Western Australia?—Precisely.

5679. You would then have a trained staff of officers for managing the convicts on the voyage?—Yes.

5680. Do you believe that in that manner the voyage might be made a source of much less demoralization than it is now?—I am confident that it might be; and I believe that a good deal of employment might be given to the men on the voyage which is not given now, so that you might not entirely lose their labour.

5681. I suppose you contemplate in the adoption of such a scheme as that a considerable increase of expense?—Unquestionably there would be an increase of expense, but I should say that that would be insignificant in proportion to what you would receive for it.

5682. You have stated that you thought there was no harm in a second service in the chapel, do you think that the men profit by that at all?—At the present moment all I wish to say is this, that I think it is much more desirable that they should be praising God and praying than be doing nothing. That is now the only question, but if you thoroughly occupied their time, I think it might then become a question whether it would be desirable to have two services in the chapel. I think that one service in a day might do, especially if you lengthened it a little.

5683. It has been stated that it created in the men's mind a feeling that was rather injurious than profitable?—I think there is a good deal in that, that the effect often of using holy means upon men of that sort may be only to make their minds irreverent, and I think that there is perhaps that sort of tendency at the present moment in the too great multiplication of set services.

5684. (*Lord Cranworth.*) I believe you left Chatham just before the mutiny?—Yes.

5685. In the beginning of 1861?—Yes.

5686. You had been there then not quite two years and a half?—No.

5687. When was it that Captain Powell came?—He had been there with me for more than a year; about 13 months before the mutiny.

5688. There had been no material change in the discipline?—No; there were some hulk officers who were recommended to be removed by Captain Powell, and in fact I myself wrote all of the reports upon them. I was asked to give my opinion of them and I did so. A great number of them were required, but many of those reports were not acted upon until after the mutiny; that is the only change that I am aware of.

5689. You were there a little more than a year with Captain Powell, and the rest of your time with his predecessor Captain Buller?—Yes.

C. P. Measor, Esq.

24 March 1863.

5690. Captain Powell complained of the hulk officers, and reports were made with reference to their removal, but they were not removed until after the mutiny?—Yes.

5691. Do you think that they were much worse officers, than the ordinary warders?—I do not think they were, the only thing was that they were old officers, and they had got up to their position as principal warders by length of service, and their defects and want of qualification showed themselves then more remarkably, but we had no instruction to include other incompetent officers, only those hulk officers; although a large number in the prison, appointed since the hulks, might in my opinion well have been included in the general report of incompetent or unsuitable officers.

5692. You said that you thought the warders ought to be men of more education than they are at present?—Yes, I think so.

5693. I presume the warders ought to be strong and powerful men?—No doubt.

5694. At what age do you consider they ought to be appointed?—I think that as good an age for a convict officer as any is from 27 to 40.

5695. You say that they begin with a salary of about 70*l.* a year?—Yes.

5696. And you compared their lot with that of clerks in public offices. What comparison would you institute with reference to their prospective advantages in life afterwards?—Something would be necessary, of course, to keep them in the service, and I think that there might be many ways of providing for that. I think that there is not anything so necessary to the improvement of the present system as the training a proper and suitable class of prison officers. I think that there are many things that might be held out to them as rewards, which they should be able to obtain, and it would be a great recommendation under a good system to a man to have been in the convict service. All such officers should have a chance of getting appointed to small gaols, or to posts of that kind, and if opportunities were offered of that sort as a reward to them, I think then you would not fail in getting a proper class of men.

5697. You stated that you had known instances of warders being in communication with discharged prisoners. In what way did you mean to say they had been in communication?—In the way of letter writing, and showing also that they had more than a proper knowledge of them.

5698. Do you mean after the prisoners had been discharged?—Yes; of course there would be no harm in any warder showing an interest in the welfare of any convict, but what I meant to say was, that I had known them—in one or two instances only—to be showing more than a proper interest in discharged prisoners; in fact it amounted almost to aiding them in a course that was not correct.

5699 Do you mean in the commission of subsequent crime?—Yes.

5700. And while they continued to be warders?—Yes.

5701. Did you report that circumstance?—Yes, those cases were thoroughly investigated, and one or two of the men were dismissed under those circumstances.

5702. They were in fact exceptional cases?—Yes.

5703. How frequently do you think it occurs, either for offences of that sort or for any other offences, that the warders are discharged, or do they generally conduct themselves to the satisfaction of the authorities?—They are very frequently discharged, I think, in proportion to their numbers. I think I ascertained that in four years 54 had been dismissed at Chatham.

5704. What is generally the nature of their offences?—There is

neglect of duty of various descriptions, there is a tampering with their duties as regards the prisoners by writing to their friends, or getting in letters for them, and then there is an absence of sufficient watchfulness when on duty, going to sleep on duty, which leads to immediate dismissal, drunkenness, want of truthfulness, and insubordination and insolence to their superiors, for all which offences a large number of them have been removed from the service.

5705. When you were at Chatham, what proportion of the warders, do you suppose, were dismissed, was there a large number ?—I think the staff consisted of 152 or 153, including the chief warder, the principal warders, warders, assistant warders, and guards.

5706. What proportion of those 153 annually are dismissed ?—I should not like, exactly, to commit myself to a definite assertion, but I have no doubt that it is a very considerable per-centage. I should say that during the time I was at Chatham prison some 30 or 40 might have gone.

5707. In the course of two years ?—Yes, and a little more.

5708. That would be nearly 10 per cent. ?—Yes ; but I don't pledge myself to its accuracy, and I may have overstated it.

5709. You stated that when the prisoners came from separate confinement, they were, as you expressed it, very intelligibly, in a very flabby condition, both of mind and body ?—Yes.

5710. Do you think that when they arrive they would be glad to go again into separate confinement, or that they would prefer hard labour ? —The great thing which, of course, interests them immediately is the fact of association, and coming into a place where they can talk with all their old friends.

5711. Would it be a great punishment to send them back to a separate prison ?—Undoubtedly it would be a very great punishment.

5712. (*Sir J. Pakington.*) I suppose that the evening hours which would be available for the increased schooling, according to the plan you have been describing, would vary considerably with the season of the year ?—Yes, very considerably ; advantage must be taken of the longest nights to give them instruction.

5713. What in your opinion would be the spare time that would be available for their instruction during the summer months ?—If the present plan was pursued of going to bed at eight o'clock there would, of course, be very little time, but I do not see why you need at all continue that plan. I do not see why convicts should have 10 hours sleep. I would interfere with that. Then I think you could fairly have two hours or two hours and a half on a summer's evening.

5714. What time do the convicts rise in the summer ?—They rise in the summer at a quarter-past 5 o'clock.

5715. Would it be quite soon enough for them to go to rest at half-past 9 in the evening ?—Half-past 9 would be quite soon enough, but 8 o'clock is the hour at present.

5716. Do you think it is unnecessary that they should go to bed so soon ?—Yes.

5717. At what hour in the summer would they have done the whole of their work, and finished their meals ?—They would be kept out on the works until 6 o'clock in the summer time.

5718. They would then be ready, I suppose, for school by 7 o'clock ? —Yes, if evening chapel were dispensed with.

5719. So that in the summer months, during the longest days, there would be at least two hours available for schooling ?—Yes.

5720. What period of time do you think would be available in the winter months ?—From half-past 4 or 5 o'clock till 8 or 9. They come in from the works before 4 o'clock in the winter months.

C. P. Measor, Esq.

24 March 1863.

5721. In the winter time do the convicts retire to rest at the same hour?—Yes.

5722. Then I presume 9 o'clock would be soon enough if they do not rise so early?—They rise at a quarter to 6 o'clock, and 9 would be quite soon enough for them to go to bed. It would give them eight hours and three quarters rest.

5723. In the winter months, except what might be required for chapel or for supper, there would be time available for educational purposes from 5 till 9 or 10 o'clock?—There would be ample time, and, according to my idea of changing the classes, one class might go for half the time, and another for the rest of it; as I said just now, referring to the arrangement of the number of rooms, I think you could have relays of them.

5724. Under these circumstances would there be, throughout the year, any practical difficulty in allowing the same room to be available for two classes in succession on the same evening?—None whatever.

5725. Any difficulty on that ground as to the number of rooms, or the number of persons in each class, might you think be overcome?—Quite so.

5726. How often do you propose that they should go to school in a week?—I was very anxious not to go too far, because I knew that I should have to meet the prejudices of the chaplain and the schoolmaster; but I said in that letter, which I have read, that every convict in the prison might have schooling every other day, so that he would go three times a week instead of one.

5727. And for so long a time as the arrangement to which we have just been adverting would allow?—Precisely.

5728. Do you think that any increased power to inflict corporal punishment is desirable?—Yes, I think it is very desirable, and that the judgment of prison offences should be more summary.

5729. Would you place that power in the hands of the governor of a gaol?—Yes. There is a very unprofitable interval at present between the commission of a serious prison offence and the corporal punishment appropriate to it. The prisoner is kept in separate confinement, not on punishment diet, until the director's visit. This may be a period of weeks, and is to my mind a waste both of food and labour. Were a governor empowered to give corporal punishment on his own authority the man would be flogged at once, and in a day or two sent back to his work.

5730. Subject to his being obliged to report to the director every case in which he exercised it?—Yes.

5731. With regard to your opinion of transportation, I understood you to express disapprobation of any change which might enable the courts to pass a sentence of transportation in words, and to carry that sentence out immediately without any penal system in this country?—I think it would be very undesirable to send anyone to any colonial gaol who had not undergone a good reformatory system of treatment in this country.

5732. You would object to the infliction of that penal system in a colony instead of in England?—Very much so. I do not think that it could be so well carried out. I think it is impossible that you could get the same force for all purposes of reformation in a colony as you could get in this country, either as regards officers, or in any other way.

5733. I infer from your evidence to day that you consider it is, in fact, a great boon to all classes of prisoners to send them to a colony?—Not to all classes, but to nearly all.

5734. To the great majority?—Yes, they look upon it as a boon, whether it is or not.

5735. Nevertheless, in consequence of orders received from the authorities, the worst men are selected to enjoy that boon?—The worst men have been frequently selected.

5736. You mentioned a case in which you stated that you saw the orders that were sent for selecting the worst men?—Yes, for selecting, not the worst men, but the men who were the least fit to be liberated in this country.

5737. Do you mean the least fit on moral or on physical grounds?—I should take it to mean on moral grounds; men who you would least like to see about the streets; those who are the most dangerous characters outside.

5738. Will you be kind enough to state whether you believe that that order with respect to the "Lord Palmerston" was a solitary case?—I do not think it was. I cannot say that I ever saw an order of the same sort.

5739. That was the only one that you ever saw?—Yes. Judging from my experience of the men who have come back from Bermuda and Gibraltar, however, and of the men I have seen otherwise go to Western Australia, I am of opinion that the general plan was to send away men who were the most disagreeable in the convict prisons.

5740. You were for a long time officially connected with the prison at Chatham?—For two years and a half.

5741. During those two years and a half I presume that a great many men were sent to Australia?—I do not know how many, but I think that two other ships were sent out.

5742. Do you know upon what principle the men were selected who were so sent out in those two ships, or is it within your knowledge who the men were who actually went out?—I knew some of the men who went, and I know that they were bad men.

5743. You have expressed a strong belief that the warders are influenced by fear in making their reports?—Yes.

5744. Fear of what?—Of the convicts.

5745. Do you mean of personal violence?—Yes, fear of being attacked.

5746. To what extent do you believe that to have been so?—To such an extent as to qualify their judgments and influence their reports.

5747. Do you speak generally when you say that, or have you in your mind only particular cases?—I have in my mind so large a number of cases that I should say that the bulk of the officers are influenced by those feelings; there are some of them who I know would not be influenced by anything but a high sense of duty. It is the officers who insist on the prisoners working hard, and conscientiously carry out their instructions, who generally get assaulted. The absence of any standard of work is greatly in favour of idle convicts, and renders it most difficult for upright officers to do their duty. It is at the same time an encouragement to the indifferent officer.

5748. But you think the majority of them are afraid of vengeance from the convicts in case of making bad reports of them?—Yes.

5749. You have spoken of the doors of the cells being left open during the period of separate confinement, so that the prisoners can converse from cell to cell; at what period of the separate confinement has that been done?—I am told that it is done after two or three months.

5750. Do you understand that it is commonly done?—Certainly that is done ordinarily.

5751. So that in point of fact the separate confinement ceases after three months?—Yes, I am told so, at Millbank.

5752. How is it that the doors are left open?—There is a grating, but the grating is shut.

5753. (*Mr. Henley.*) You have stated that you thought a convict was a man out of the pale of society, and that if he committed violence on a warder he ought to be punished within the prison; to what degree would you limit that power of punishing in a prison—suppose a man committed murder?—As to that, I should not go so far as murder, but I

C. P. Measor, Esq.

24 March 1863.

think that in the case of violence to an officer it would be desirable that the convict should feel that his position was entirely altered and his rights confiscated. I think the general feeling would be that in case of murder a man should be tried in the ordinary courts of law.

5754. Would you go as far as manslaughter?—I would go as far as manslaughter.

5755. Would you go as far as grievously wounding with intent to murder?—Yes, I think I should; I think I should go to everything short of murder, to all offences which would merely prolong his sentence of penal servitude.

5756. You have stated that your impression is that the majority of officers are under a feeling of terror, and that makes them slack in their duty?—Yes.

5757. The majority of those officers you have stated have been soldiers?—Yes, but are nevertheless anxious to get as easily as possible through their dangerous prison duties.

5758. Is there any report of any sort or kind showing that to have been your impression during your residence in the prison?—No, I do think there is; I should have brought every case in which there had been a proved want of proper behaviour, or of a conscientious discharge of duty, under proper notice, but I should say generally that it was a thing that would not fall within my office to make any special report upon an impression of this nature on my mind.

5759. Would it be within your duty to make any reports with reference to the general impression upon your mind that the majority of the officers of the prison were neglecting their duty, because they had a fear of the prisoners?—I did not say that the majority of the officers were neglecting their duty; all I say is that I believe the majority of the officers are influenced generally by the character of individual prisoners who are disposed to commit assaults in the records which they put down of their work.

5760. I understood you to say that you thought they were influenced in making their reports of the prisoners with regard to their work and general conduct?—I speak of the officers individually, and I should say that the greater number of them that I have known in the convict service are men who would be liable to be influenced, and to give a better character of a prisoner than he deserves in consequence partly of fear, and as the result of their not stringently acting under a sense of duty in a matter in which an effective check could not be established.

5761. Are the Commission to understand that you really think that class of officers are liable to do these things, or are we to take it as your opinion that they did it at that time?—I believe that they did it at that time.

5762. Still you did not consider it within your duty to bring the matter, either confidentially or officially, to the notice of the authorities?—I certainly did not. It would have involved a challenge without proof of the qualifications of a large body of men. It is a matter incapable of demonstration; but it is nevertheless my opinion and belief.

5763. You have expressed an opinion in favour of increasing the number of the school hours in the evening, and of getting rid of the schooling in the day?—Yes.

5764. You have also stated that you think the instruction should not be confined to mere normal instruction in reading and writing?—Certainly.

5765. You would probably extend it to conduct in life; its aims and ends?—Yes.

5766. I think you also stated that you thought the great moral truths

to which I have just referred, and which are founded upon religion, should be brought to the notice of the prisoners with reference to their bearing in life ?—Yes. *C. P. Measor, Esq.* 24 March 1863.

5767. But you do not entertain that opinion with reference to one principal object of the schoolmaster; you think it is desirable to separate him from the chaplain ?—I certainly think so. I think that the chaplain has too contracted a scope for the education of the convict.

5768. You think that he has too contracted a scope, it being his duty to teach the great truths of religion according to your view, and the schoolmaster to illustrate them and enforce them upon the convicts in their ordinary transactions in life ?—Yes.

5769. And yet you think it desirable that the connection between the two should be separated ?—Yes. I would reserve religion distinctly as a separate subject in the hands of the chaplain. I think you cannot do a greater service to religion in prison than by keeping it entirely distinct from what is secular. I would reward convicts for progress in knowledge, believing that (although some convicts may know too much) ignorance and crime are generally allied as cause and effect. I should not wish to see the chaplain dispensing or holding back any temporal rewards, as it would, to my mind, entirely derogate from his office as the teacher of faith, and the preacher of the eternal consequences of actions. Every occasion for making religious profession a cat's-paw for temporal rewards should, in my opinion, be taken away from convicts, and would save much profanation.

5770. How long, after coming into a prison to hard labour, does what you have described as the flabby condition of mind and body continue ?—It may continue for a few weeks or months.

5771. You have stated, so far as your information and belief go, that the separate confinement in the prisons before they come to you is not complete, or not for more than something like three months ?—I am informed so.

5772. Even with that relaxed state of confinement you found the convicts in a flabby state, both of mind and body ?—I should not be speaking of convicts now; there was a time when the separate system was carried out entirely for 18 months, but the convicts I have seen perhaps had undergone a reduced period of from nine to 12 months.

5773. Are we to take the case of the men whom you have described as being flabby both in mind and body as men who, according to your information, had the doors of their cells opened after three months ?—I should say not. I did not refer to the same men, those whom I was talking about were men who had undergone the whole period of separation. I did not allude to men who had undergone less than eight or nine months' separation.

5774. How long has this system of opening the doors of cells been in practice ?—I do not know when the change was made ; but that I have been told is the present system.

5775. Is it your belief that that system existed when you were in Chatham prison or that it did not ?—I do not believe it did.

5776. You have stated that there were in your opinion symptoms and a warning of the outbreak which took place in Chatham for some months before it actually occurred ?—Yes.

5777. Can you state to the Commission what those warning symptoms were ?—There was a disposition on the part of many of the prisoners to influence the others and to draw them into combined acts of disorder. There was one convict who came down from London under a long sentence who had been liberated within a year from that identical prison, and who stirred up a good deal of bad feeling among the other convicts.

J. P. Measor, Esq.

24 March 1863.

I do not think that he would have stuck at anything. I have reasons for believing (for I was assured by a detective of the City of London) that the man was innocent of the crime for which he was sentenced to life ; he was a man of great power of mind, and of great influence over his fellow convicts, and that man set to work and disturbed a good number of them ; there were the elements ready there, and there were other signs of disorder in the chapel on various occasions during the services and the sermons delivered by the chaplain ; there was a good deal of disorder and restlessness and indications that a large number of the men were affected in a manner that might lead to something serious.

5778. Were you led to believe that there would be a serious outbreak ?—These things left upon my mind the impression that the prison might be soon disturbed.

5779. Did you call the attention of the authorities to that ?—Both the governor and I officially called the attention of the authorities some week or two at least before to the increasing symptoms of combined disorder. I will not say at the very first sign, that I saw months before, that I would have presumed to dictate and to say that such a thing as a serious outbreak would occur, but I always felt the insecurity of these large prisons on occasions which will unexpectedly arise.

5780. The impression was shared with you by the governor ?—It was latterly. I do not say that at the same time it occurred to me it occurred to him, but latterly it was plainly apparent that something was impending.

5781. Before the outbreak took place the governor and you were not without some expectation of it ?—No, I came up to London from Chatham a fortnight before, or perhaps longer, on this express subject, at the governor's desire, to see the directors. There were then a large number of the men in the cells, undergoing separate confinement for disorderly conduct, and I came up specially to request that those men might be moved back to separation, in order that they might not go again into the prison and infect the other convicts. There were then disorderly noises going on in the prison every night after the convicts were locked up, hammering at their cell doors and at the partitions, and calling from different parts of the prison ; besides which the chapel services were frequently interrupted.

5782. You have stated that there were some 30 or 40, without giving the number exactly, of the warders discharged during the two years that you were at Chatham prison ?—Yes.

5783. Can you give any opinion to the Commission as to whether a larger or a smaller number than 30 or 40 were discharged before or after the change which took place in the governor, which I think would be about the middle of the time ?—I should say that as nearly as possible they were equal. I should say that one governor discharged quite as many as the other, and did his duty just as strictly as the other did. I think that Captain Buller was quite as strict as the other governor to the subordinate officers.

5784. Among the number of warders discharged were there some who had been in service on board the hulks ?—Some of them might have been. I do not know that there were many hulk officers among them.

5785. (*Lord Cranworth.*) With reference to the mode of dealing with prison offences, you have stated that you would not for anything short of murder have a case adjudicated upon in the prison ?—Yes, I think so.

5786. By whom should the case be adjudicated upon ?—That is a question which has not occurred to me.

5787. Do you think it should be adjudicated upon, I mean in very

grave cases, by the governor ?—No ; I should be sorry to see a governor or director of convict prisons entrusted with such a power. It should be a perfectly impartial tribunal, although within the walls of the prison, its purpose being, as I should take it, merely to discourage the commission of outrages by convicts for the purpose of obtaining a change of scene, and obtaining what is really to them the amusement of a public trial.

5788. (*Chairman.*) I suppose it would meet your views if two county magistrates were to sit in the prison, and sentence a man according to his deserts ?—Yes, perfectly.

5789. (*Lord Cranworth.*) You are not in the convict service now ?—No ; I am a sub-inspector of factories.

5790. You left it about the time when the Chatham mutiny occurred ? Yes.

5791. Did you leave the service because you did not wish to continue longer it ?—It was entirely voluntary on my part.

5792. (*Mr. Henley.*) Would you give to two county magistrates the power of sentencing a man to penal servitude for life in a case of aggravated manslaughter ?—Yes, I should do so.

5793. (*The O'Conor Don.*) How many prisoners are congregated together in the school under the present arrangement, by which half a day in each week is given to schooling ?—In the Chatham prison there are 1,100 prisoners, and the division is into so many men every half-day except Saturday afternoon, so that 100 prisoners would be in the school every half-day, but they have four schoolmasters to deal with those 100.

5794. What is the salary of the schoolmasters ?—I think that the principal schoolmaster gets something like 140*l.* a year.

5795. And how much do the others receive ?—I think they generally get about 100*l.* a year with allowances.

5796. (*Lord Cranworth.*) You have said that your altered system would produce an increased revenue, which you estimated at about 9,000*l.* a year ?—It would produce beyond that.

5797. That would be a fund that would be far more than sufficient to provide extra pay for the teachers ?—Yes, very much more than sufficient.

5798. (*Mr. Waddington.*) With regard to the cells of which the doors are kept open, do you know that that was the case at Millbank only ?—I only heard that it was so ; I cannot speak from my own knowledge about it. I was told that, after two or three months, the doors were opened and the gratings shut, and that the men could actually converse across.

5799. Did you never hear that that was recommended by Dr. Baly, owing to the supposed unhealthiness of the prison ?—I have no doubt that it might have been under medical recommendation.

5800. Were the men of whom you have spoken men who came from Pentonville prison, where the nine months' separate confinement were carried out rigorously?—Yes, I believe so.

5801. With respect to the feeling of the warders, I understood you to say that, although you had suspected it, you never reported any warder for misconduct which was produced by fear or by the wish to obtain his gratuity ?—No, for it is, after all, such a perfect matter of one's own opinion. You hear the evidence between the warder and the convict ; it rests simply upon your own mind, and you may come to the conclusion that the officer is influenced by his prisoners, but there may be nothing sufficiently tangible to report. I have often told officers whom I suspected of yielding to their prisoners that I suspected such to be the case.

5802. It was your impression that the warders had not done their

C. P. Measor, Esq.

24 March 1863.

duty, but it never took the shape of a charge either for cowardice or for being unduly influenced by the hope of getting their gratuity ?—No ; I am not aware of bringing forward any charge of the kind.

5803. Did you communicate your impression either to Captain Powell or Sir Joshua Jebb ?—I have no doubt that I may have to Captain Powell.

5804. Are you quite sure of that ?—I should have spoken to him upon such a subject.

5805. Did he agree with you, or differ from you ?—I have no doubt that Captain Powell would tell you that he has seen cases in which there has apparently been such an influence exercised upon the officers.

5806. Has he ever said so to you ?—I should not like to say that he had, but at the same time my impression is that Captain Powell would at least to some extent agree with me.

5807. Have you ever discussed the subject with Sir Joshua Jebb ?—No, I do not think I ever have.

5808. With respect to the selection of convicts for transportation you stated that on one particular occasion you saw a letter containing certain instructions ?—Yes.

5809. Have you a distinct recollection of the words that were used ?—I have as nearly as possible a distinct recollection that those words were what I have given.

5810. That is to say persons that were the least fit to be discharged in this country ?—Yes.

5811. What was the date of that letter ?—October or November 1860, just before the "Palmerston" sailed. I was, I believe, in charge of the prison at the time that the prisoners went, or just previously to it, and I took them myself down to the Nore. I know that their characters were bad.

5812. Were they not men under long sentences ?—Yes, there would be none under seven years, I presume.

5813. Are not the men under long sentences those who have been guilty, either of the most heinous offences, or who have been previously convicted ?—Yes, undoubtedly they would be.

5814. Do not you know that it is impossible to select men with short sentences ?—Yes, you cannot do it, but a convict's being thoroughly bad in prison conduct is quite another matter.

5815. Do you really maintain that no prisoners should be transported except those whose prison conduct has been exemplary ?—Yes, the others should be kept every man of them at home.

5816. Your notion is that we should send out the best class, and keep the worst here ?—Yes, in permanent confinement, as far as you could attain that, only letting an incorrigible offender out with a plan and intention of re-capturing him, and giving him an effectual sentence.

5817. Do you think that the worst class should be kept in that way for the whole of their sentences ?—Yes, every day of it.

5818. Do you mean those who commit the worst crimes, or those who behave the worst in prison ?—Those who behave the worst in prison.

5819. Are you of opinion that the behaviour of a man in prison is a decided test of his reformation ?—Not an absolutely conclusive test.

5820. Is it any test at all ?—Yes, it is certainly.

5821. Is it a considerable test ?—Yes, it is a considerable test, but it is not the sole test.

5822. Still you think that the behaviour of a man in prison is a very considerable test of his reformation, and one upon which you can safely act ?—Yes, under an efficient system, I think that you can test a man in prison ; I do not mean to say that every kind of test will test every

man equally, but I mean to say this, that under an efficient prison system a man's character can be tested.

5823. So that you could decide upon it in prison ?—Yes, fairly.

5824. Do you think that your opinion is shared very generally by the governors of prisons ?—By all officers who have interested themselves in the question.

5825. Are you sure of that ?—I am quite sure that I never found any man except those who performed their duties in the most perfunctory manner, who did not believe that a proper system in a prison can test a man.

5826. And you can form a decided opinion before a man is tried by giving him his release ?—Yes, to a certain extent, and an opinion that will be much oftener right than wrong.

5827. An opinion upon which you could act ?—Yes, as a basis.

5828. Do not the very worst men behave the best in prison ?—Yes, they sometimes do behave very well, but there are means of even testing the sincerity of a man's good behaviour.

5829. You are not speaking merely of his good conduct, but of some opinion that you are to form of his individual conduct ?—I am talking of a system that would apply to a thorough searching of the individual.

5830. You think that there may be such a system in practice ?—Yes.

5831. Then suppose you were acting under such a system you would be guided in your selection of men for transportation by the opinion you had formed of the individual character ?—Yes, certainly.

5832. And not with reference to the crimes they had committed, or the length of their sentences ?—No ; I do not think that the crimes are a correct standard of character, or afford any test as to the desirability of transportation, and much less so are the sentences a proof of the shade of their depravity.

5833. Transportation, according to your view of it, would not be a deterring punishment, but rather the contrary ?—Yes ; the deterring punishment, in my opinion, would be keeping them at home under a most deterring system of discipline.

5834. Then the deterring feature of the punishment would be the discipline at home ?—Yes.

5835. You would not approve of any probation in a colony at all ?—No ; I do not think it necessary.

5836. Would you keep these men in this country until they were fit to be discharged with tickets of leave in a colony ?—Yes, I would keep them in this country until such time that you could let them go out of your hands into a colony.

5837. With reference to the convict ships, you are aware, I believe, that Captain O'Brien has lately taken great pains in making arrangements with the surgeon-superintendent who has the supervision of the convicts, and that great improvements have been made on board those ships ?—I am aware that they have been a little larger, that is all that I have heard.

5838. Are you not aware that warders have been sent out with two or three of the last ships ?—Yes, I have heard of that.

5839. Is not that a very valuable improvement ?—Yes, but I do not think you will effect much improvement until you come to the separation of the convicts.

5840. As they are separated in prisons ?—Yes, entire separation, at least at night.

5841. Do you conceive that in all cases where convicts sleep in association the crimes to which you have referred necessarily take place ?—I do not say that they do in all cases, a great deal would depend on the

C. P. Measor, Esq.

24 March 1863.

class of convicts, but you are dealing in convict ships not only with a mixture of good and bad, but with the very worst; and where you put eight men to sleep within a space of about six feet square, I think that there is a very great risk of those sort of things occurring.

5842. What reason have you to believe that, except from what has been told you by convicts themselves? — Every officer that I have seen, who has been out either to Bermuda, or to Gibraltar, or to Australia or Van Diemen's Land, and elsewhere, has led me to believe so; in fact, I have had the strongest evidence that it is impossible to place convicts under those circumstances without crime being committed.

5843. Can you mention the name of any officer who has been out to Western Australia who has given you that account?—That I should not exactly be able to do. There is one gentleman that I know who certainly as to Van Diemen's Land might give the Commisson valuable information.

5844. I mean some one who has given you information from his own knowledge, who has been out in a ship to Australia?—I do not know that I can now name any one, but I have seen several officers who have come back from all those places, although I really cannot refer at the moment to their names. My general information refers more to Bermuda and Gibraltar than to Western Australia.

5845. Do you not know that when inquiries were made into those reports that had been made by a surgeon superintendent and chaplain in charge of the convicts they were found to be most grossly exaggerated?—I cannot think that any captain superintendent or chaplain can be in a position to disprove the general charge; they could not know whether the crimes had been committed.

5846. Not the surgeon superintendent and the chaplain?—They could not possibly know anything about it, no one could know except the convicts themselves, unless some complaint arose from a convict, and was made the subject of inquiry, and then I don't believe that truth could be elicited. Knowing what I do of convicts, I consider it impossible to put them into such circumstances of close contact without the most depraved taking full advantage of it in this manner. Even at Chatham prison not only have filthy acts been proved to take place between prisoners in association at dinner, but also disgusting overtures of the worst kind have come to my knowledge, as having been made from one convict to another.

5847. You think that it rests entirely upon the statements of the convicts themselves?—I do not say that, for through other means the officers of service may occasionally have made certain inquiries; of course it is a very delicate subject to go into, but I recollect being told by a gentleman who is now a chaplain in the convict service in England, and who was then a chaplain in the convict service in Van Diemen's Land, that a medical investigation was on one occasion instituted there, and that that medical investigation proved the most horrible results. Upon such a subject you can only just obtain information to satisfy your own mind.

5848. Where did you obtain your information about the ships which have gone out lately?—I have no special information to give you in reference to the "Lord Palmerston," or any other particular ship; but the impression upon my mind, from all the inquiries I have made of convicts, having had convicts back with me in the Stirling Castle from Bermuda and Gibraltar, is, that an enormous amount of unnatural crime does go on in those convict ships, and that with regard to the unnatural offences which occur in a colony they have been schooled in them in the convict ships.

C. P. Measor, Esq.

24 March 1863.

5849. What you have now stated, you learned from convicts?—Yes, mainly, and I have had it also corroborated by other individuals, whose names I cannot give you.

5850. In your opinion the surgeon-superintendent and chaplain on a voyage would know nothing about it?—They would in all probability know nothing whatever about it, and certainly could not undertake to say that such things had not occurred.

5851. (*Sir J. Pakington.*) Why would they know nothing about it?—300 men are packed in the lower deck, where the men are as close together as that chair is (*pointing to the same*) to the other, and all these men would be sleeping in two rows, an officer merely visiting each part occasionally, as I presume he does, and crimes of that description might be going on without the officer knowing anything about it, the word would be passed from one end of the ship to the other, however vigilant the warder might be, if they were bent on defeating him; and in the next place it would be perfectly impossible for him to see what might be taking place between men so closely packed together.

5852. According to the arrangements on board a convict ship where are the surgeon and chaplain, are they in separate cabins?—Yes, I believe they occupy separate cabins.

5853. (*Mr. Waddington.*) Do you know that at the Irish intermediate prison at Lusk the convicts sleep quite close to each other in rows, without any partitions between them?—There is, I believe, some sort of supervision over them, and those convicts are only men who have been tried and tested, they are not a mass of men who have received all sorts of sentences, and of the very worst description of character, who are so put together. Besides, I can scarcely imagine that they sleep in the close quarters of convicts on board convict ships.

5854. Are not the men of a very bad description who are at Lusk?—Certainly not; they are the best selected convicts.

5855. They represent 75 per cent. of the whole, do they not?—I do not think so.

5856. (*The O'Conor Don.*) At the time the convict ship the "Lord Palmerston" sailed, were all the men in your prison who were eligible for transportation on account of the length of their sentences sent out in the ship?—Yes, I believe all.

5857. Did you make no selection there at all?—All the men we had were sent out who were eligible in point of time, and many also who were not eligible in reference to the periods they had passed of their sentences.

The witness withdrew.

Mr. J. Macdonnell.

24 March 1863.

Mr. James Macdonnell examined.

5858. (*Chairman.*) You were, I believe, employed as a civil engineer, to superintend the works carried on at Chatham by convicts?—Yes.

5859. Were you employed under Mr. Brunel?—Yes, for five or six years.

5860. And also under Sir John McNiel?—Yes, in Ireland, for upwards of five years.

5861. In the construction of very extensive works?—Yes.

5862. For the last seven or eight years have you been employed under the Admiralty?—Yes.

5863. What has been the nature of your employment?—Superintending the construction of docks and slips principally, for four years of which time I was also engaged in superintending the works that were carried on by convict labour.

Mr. J. Macdonnell.

24 March 1863.

5864. Are you speaking now of Chatham ?—Yes.

5865. For four years you were so engaged ?—Yes, ending March 1862.

5866. Have you now left that occupation ?—Yes ; I am at Pembroke dockyard now.

5867. Will you just describe to the Commission the works that were performed by convict labour at Chatham for the Admiralty ?—They comprised pile driving to a large extent ; digging, filling and wheeling clay ; loading and unloading mud barges ; unloading barges with stone by means of cranes, dressing stones ready for setting, and brickmaking, &c.

5868. Was that all the work that was done by the convicts in your time ?—Yes, with some minor work also in carpentry and smiths' work, such as making and repairing tools and plant.

5869. You saw these men at work ?—Yes, every day for four years.

5870. Did you see them generally at work, or only in small parties, so as to be able to form an opinion of their general mode of working ?—Yes, under both circumstances, where I had abundant opportunities of ascertaining the value of their labour, and the proportion which it bore to free labour at those different kinds of work.

5871. What is your opinion of the value of their labour ?—At pile-driving I found that nine convicts did as much work as seven free labourers.

5872. Were there free labourers at the same time doing the same kind of work ?—No ; but previously, on other works of similar character, I had ascertained what ordinary free labourers, receiving 2*s.* 6*d.* per day, could do at this description of work.

5873. (*Mr. Bouverie.*) Is pile-driving done by the job ?—Yes ; generally, and on large contract works they are driven at so much per foot. In digging, filling, and wheeling the clay, I found that three convicts moved as much as two free labourers, in the proportion of three to two.

5874. How were the free labourers paid,—by the piece, or so much per day ?—When working by the day, the general run of pay for ordinary labourers was 2*s.* 6*d.* per day.

5875. (*Lord Cranworth.*) Then you consider the work of three convicts at that kind of labour worth 5*s.* ?—Yes.

5876. (*Lord Naas.*) Were the men employed in moving clay at St. Mary's Island ?—Yes, a large number of convicts were employed on this description of work.

5877. (*Mr. Waddington.*) Now go to the loading and the unloading of the mud barges ?—I have found that the convicts did as much work as the free labourers at that description of work.

5878. Is there any reason that you can give why they should do as much at that kind of labour, and rather less at the other ?—I cannot account for it ; they seemed somehow or other to be more zealous in doing dirty work than in doing clean work. In unloading barges of stone they did as much work as free labourers, and very frequently they did more than free labourers, when they were in the humour. In dressing the stone the value of the convict labour varied very much, owing to the frequent changing of the convicts.

5879. Is that a kind of work that requires more skill than the other ?—Yes, and on account of their substituting new and inexperienced hands for those who had received instruction, there was not only great waste of skilled labour, but also of stone and tools.

5880. When they were at the best, what proportion did their labour bear to that of free labourers (masons) ?—They were four to one, without proper instructors ; if they were kept at that particular work and an

instructor placed over them, after a few months the proportion would be about four to three; but owing to the frequent substitution of inexperienced hands it had been often as high as five convicts to one free mason; as I have said before, if they were kept entirely at that particular work under an instructor, the value of their labour would be in the proportion of four to three. In brickmaking they carried on their work very satisfactorily indeed, and did almost as much as free labourers could, with the exception of moulding the quantity of bricks.

5881. Does brickmaking require much instruction?—Not much.

5882. In that they were nearly as good as free labourers.—Yes, they were.

5883. Did they appear to do their work willingly and cheerfully?—Yes, at times they would sulk, but generally speaking they worked very well indeed.

5884. What was about the numerical strength of the different parties in which they worked?—14 on the average. I think that if the numerical strength of the parties was better regulated to suit the nature of the work, their labour individually would be more valuable; they have sometimes sent 14 to pile driving, whereon nine men could only be employed.

5885. Do they put that particular number of 14 in every party?—No, at stone dressing they increase the number of the party to 20 or 21.

5886. Fourteen, however, is the ordinary number?—Yes.

5887. Under whose direction do the convicts work?—Generally under the direction of the warders.

5888. Who is it that gives instructions as to the work, and where it is to be performed on each particular day?—I used to give instructions to the principal warders, and they transferred my instructions to the assistant warders, who then gave directions to the convicts. I certainly think that if the instructions came direct from the officers employed by the Admiralty that more work would be obtained from the convicts.

5889. You think that the other arrangement is not so effectual in that respect?—I do not think it is. The convicts do not work so cheerfully when they receive their instructions from the warders, and I do not think that the class of warders employed are at all suited for carrying on those works advantageously, for they have not the proper method of giving or conveying instruction to the convicts.

5890. They do not sufficiently understand the subject?—No, they are principally old soldiers, and they have not the method of instructing those men.

5891. They do not understand the nature of the work themselves?—No, they do not. I am certain that if a competent instructor was appointed to every party, a great deal more work would be got out of the convicts.

5892. (*Chairman.*) Do you mean an instructor to act under the authority of the convict officers?—No; I think that they would get more work out of the convicts if the instructions came from the officers of the Admiralty, because the men have not the same willingness to execute an order from anyone connected with the convict department. as from the Admiralty Department.

5893. (*Mr. Waddington.*) If they had more apparent freedom?—Yes, I think they would rather take their instructions from a stranger than from those who are connected with the convict department. They would pay more attention to what a stranger would say than to their own warders.

Mr. J. Macdonnell.

24 March 1863.

5894. You think that they would work more cheerfully under those circumstances?—Yes.

5895. Have they a great dislike to be removed from one kind of labour to the other?—Yes; even if they are removed from dirty work to clean work, they dislike it very much; it causes them to sulk and become discontented, and consequently their labour becomes depreciated.

5896. I suppose that depends very much upon the sort of temper they are in?—It does, but generally speaking they do not like being shifted from one work to another. I have often heard them say that they know more about the work themselves than the warders, and if they find that a warder is not competent to instruct them they immediately take advantage of it.

5897. What are generally the hours of labour?—From 7 in the morning till 11. They then go into dinner at 11 o'clock and remain until 2. They then work from 2 up to 4 or half-past 4.

5898. Do they work about the same hours as free labourers do?—No, free labourers work from 6 o'clock till 6, taking an hour for breakfast and an hour for dinner; therefore working 10 hours in summer.

5899. (*Lord Cranworth.*) The convicts work only 7½ hours in the summer?—Yes, and for only six hours and 5½ hours in the winter.

5900. (*Mr. Waddington.*) Is there considerable time wasted in going back to their dinners?—Yes, a great deal of time; as much as three hours were so spent; but there is a good deal of parade work inside the prison which they have to undergo.

5901. (*Chairman.*) I suppose, in making a comparison between convicts and free labourers, you have made some allowance for the smaller number of hours during which the convicts labour?—No, I have taken them all upon the supposition that they work the same number of hours.

5902. (*Mr. Waddington.*) Have you got the accounts of the work actually done?—No.

5903. Do you think that they might have their dinners taken out to them on the working ground?—We erected a mess-house for them on the island, where they dined, but after a while there was an outbreak there, and since then they are obliged to take them back to the prison again, as the authorities were afraid that there was not sufficient control over them in the mess house.

5904. The experiment was tried, and it was supposed to have failed?—It was considered that they were too much brought together in large numbers. While in the prison they had their separate cells to dine in; at the mess-house they were all together, and thereby had opportunities of conversing and carrying onintrigues together.

5905. (*Chairman.*) Has not a difficulty sometimes arisen between the convict department and the departments for which the work has been done, as to the mode of carrying on the work?—Yes, a difference arose when I was there; but I believe that it has been reconciled since. The convict department were anxious to take the whole thing into their own hands, and to act like contractors upon ordinary works; and also to have the direction of the work under instruction from the Admiralty engineer.

5906. Did not the heads of the convict department consider that it would be better for the discipline of the convicts under their charge that they should have the complete direction of the work; the department for which it was to be executed having specified what was to be done?—Yes.

5907. And the Admiralty and the War Department were of a different opinion?—The Works Department—under the Admiralty—were of a different opinion, I believe.

5908. What was your own opinion upon that subject?—My own

opinion was, that the Works Department under the Admiralty should have the whole control and complete direction of the works, as they were responsible for the stability of the work.

5909. (*Mr. Bouverie.*) How do the men receive their directions to do the work; through the warders?—They had nominally a foreman there, a man who has been an old soldier, and who occasionally gave verbal directions conjointly with warder.

5910. You mean a warder?—They call him foreman of works.

5911. Is he an officer of the convict department?—Yes; he merely walked along the works, to convey the instructions of the Admiralty engineer to the warders.

5912. How does he know what the work is to be executed; is there a foreman of works, on the part of the Admiralty, besides?—Yes, under the engineer.

5913. I suppose that he tells the officer what is to be done, and that officer passes it on to the warders?—Yes, and the warders pass it on to the convicts.

5914. You think that the directions ought to be given direct from the engineer?—Yes, to the warders, in the presence of the convicts.

5915. (*Lord Naas.*) Are there any free labourers employed on St. Mary's Island?—Yes, a few, at tidal work and night work.

5916. Are they employed upon the same works and the same kind of work as the convicts are?—The stones which are dressed by the convicts were set by the free labourers.

5917. The free labourers are employed upon rather a higher kind of work?—Yes, tidal work, and other work carried on beyond the usual working hours of the convicts.

5918. It is not an inferior class of work, as compared with that which the convicts do?—No, but it is of a more laborious character.

5919. What do the free labourers get who are employed on St. Mary's Island?—5*s.* a day, but we call those men navigators, and their work is partly carried on by night.

5920. What would free labourers receive, who were employed on the same labour that the convicts performed on St. Mary's Island?—About 2*s.* 6*d.* a day would be sufficient.

5921. Suppose that you had free labourers employed at 2*s.* 6*d.* a day on St. Mary's Island, doing precisely the same kind of work that the convicts were employed upon, do you consider that they would do a third more work than the convicts would?—Yes, at pile driving they would; not a third but a fourth more.

5922. You could find men to do that work for 2*s.* 6*d.* a day?—Yes, the pile driving.

5923. And in embanking the river wall, at the digging, removing, and puddling clay?—Yes.

5924. Do you not think that the estimate, which appears in the appendix to the directors' report, where the convict labour of 10 hours a day is valued at 3*s.* 6*p.*, is rather high?—Yes, I should say it is for such unskilled work.

5925. How much too high do you think it is?—I think that a convict's labour is worth about 2*s.* a day, when a common free labourer at similar work is worth 2*s.* 6*d.* I think that 2*s.* is the fair value for convict labour.

5926. Certainly not 3*s.* 6*d.*?—Certainly not.

5927. Were you called upon to value the convicts' work when it was done?—A daily registry was kept in my office of the number of convicts employed upon each description of work, and on the 1st of each

Mr. J. Macdonnell.

24 March 1863.

month a monthly return of work done, and the number of convicts employed thereon, was forwarded to the Admiralty director of works.

5929. Your duties were laying out the work?—Yes, and superintending and seeing that the work was properly done.

5930. Without regard to the amount of work performed in each day?—It was my duty to see that there was as much work done as possible.

5931. Your duties were in laying out the works and seeing that it was done according to the specification?—Yes, and I had frequent opportunities, of which I availed myself, to compare the convict labour with free labour at the stonedressing. I had frequently set three or four gangs of convicts to do certain work, and afterwards I put a certain number of free labourers (masons) to do similar work, and so I was enabled to draw a contrast between the two.

5932. That was how you arrived at your calculation?—Yes.

5933. (*Mr. Bouverie.*) Do you think that the men were equal in physical power?—I do not think that some of the convicts were equal to our ordinary labourers.

5934. But taking them all round, should you say that a gang of 14 convicts was equal to the same number of free labourers?—From their robust and well-fed appearance I should say that they were.

5935. (*Lord Cranworth.*) What would generally be paid to free labourers for making 1,000 bricks?—Generally speaking, I think, the brickmaker gets about 6*s.* a thousand; it is generally done by contract work; for this he prepares the clay in the winter months and does all the manual work in the moulding, drying, burning, &c., at 6*s.* a thousand.

5936. Then 10*s.* 6*d.* is quite beyond the mark?—Yes; I think that is above the contract price which is given to brickmakers for making bricks.

5937. What is the contract price?—I think it is 6*s.* a thousand.

5938. (*Chairman.*) It appears from this return that for making bricks 10*s* 6*d.* per thousand is charged; then there are other charges for loading and unloading sand, is that, in your opinion, too high a charge?—Yes; that is beyond the local prices.

5939. (*Lord Cranworth.*) How much would be charged for removing clay and sand per cubic yard?—I think a party of 14 convicts used to discharge a cargo of 30 or 40 tons a day, about 30 cubic yards.

5940. Then each convict would discharge about two cubic yards?—About that, and have to run it also about 60 or 70 yards.

5941. What would be a fair charge per day for such of the convicts as were employed upon carpenter's work at 10 hours a day?—3*s.* a day; they generally in a party of 14 managed to have three or four carpenters, selected from amongst the convicts, and this made the average value of their labour so high.

5942. What would be a fair charge for doing bricklayer's work?—I think they would be worth 2*s.* 6*d.* on an average.

5943. (*Mr. Waddington.*) I suppose you would not expect prisoners to work quite as well as free men?—Yes; I could get them to work better; if they got twopennyworth of tobacco a day they would do at least 30 per cent more work for so great a luxury!

5944. (*Lord Naas.*) Is it considered by those men a very great luxury indeed?—Yes.

5945. Do they ever get any?—No, but they are so fond of it that I have seen them pick up that which some of the free men had thrown out of their mouths after chewing it. The convicts are not allowed to smoke in the dockyard, nor the free men.

5946. Even without the tobacco, regarding them as convicts, do you think they do a fair day's work?—They sometimes do a very fair day's

work, but they are so changeable; sometimes they work well, and very indifferently at other times; a great deal depends upon the warder.

5947. Are some of the warders greater favourites with the prisoners than others?—Yes.

5948. They work well under some warders and unwillingly under others?—Yes, and when there is a change of warder, and if they do not like the new man, it is ten to one that they will damage the tools or the barrows, or whatever they may have in use at the time, so as to get the old warder back again; they are very hard to manage sometimes.

5949. (*Chairman.*) Do you think that the warders are under the influence of fear, and a desire to get on well with the men under them, which induces them to make good reports of them when they do not deserve it?—No; but I think that the warders, in order to keep themselves square, will try to pull well with the convicts, for if they do not like the warder they will report him, and complain that he behaves harshly and overworks them; the warder gets fined probably 2*s.* 6*d.* for overworking the men.

5950. Have you ever had an opportunity of seeing the weekly records of the industry of the convicts?—No, I have not.

5951. (*Sir J. Pakington.*) You say that the convicts are in the habit of reporting the warders?—Yes, they had frequently done so.

5952. Do you mean that they complain of them?—Yes, saying that the warders have overworked them, then the warders are brought before the governor, and I have heard that they have been fined 2*s.* 6*d.*

5953. Have you ever had reason to think that the warders are afraid of the convicts?—No; I do not believe they are afraid of the convicts, not of personal violence.

5954. Nor afraid of injury from them if they do not make good reports of them?—No, I do not think they dread that at all.

5955. You never saw anything that led you to entertain that idea?—No; I happened to be on the works at the time of the outbreak, which took place in February 1861, and certainly they seemed determined then to give the warders a good thrashing if they could, but I walked through them, and they never made the slightest attempt to molest me.

5956. (*Chairman.*) If a warder drives his party rather harder than another, is there no danger of violence to that man sometimes?—I have never seen or heard of them pressing the men too much.

5957. (*Mr. Walpole.*) Did you never see the men attacking or threatening a warder?—No; but there have been cases in which they have threatened, and even knocked down and injured their warder.

5958. Are those rare cases?—Very rare indeed.

5959. (*Lord Cranworth.*) You never saw any violence at Chatham except on the occasion you have just referred to?—Never.

5960. (*Lord Naas.*) Do you think that the parties are too large which are at Chatham placed under the care of a single warder?—No, I think 14 is a very fair number.

5961. Do you think that a single warder can manage 14 men well?—Yes, at work requiring no instruction.

5962. Are 14 the usual number in each gang?—Yes, it is the average number.

5963. Is there not some work where you require a more close supervision than upon other work?—Yes, at stone dressing.

5964. Are the men in smaller gangs then?—No, indeed they are in larger gangs; they sometimes reduce the number for pile driving to nine and 10, and sometimes to 11, and they put the difference on to the stone dressing party; they desire to keep a certain number of men to each warder, so that it will average 14 to a warder.

Mr. J. Macdonnell.
24 March 1863.

5965. Do you think that at stone dressing one warder can manage 14 men?—No, not well. I think it is too much for a warder when he has to instruct as well as to attend to the discipline of each man in the party.

The witness withdrew.

Adjourned till 14th April.

Tuesday, 21st April 1863.

PRESENT:

Earl GREY.	The O'CONOR DON.
Lord NAAS.	Mr. CHILDERS.
Mr. WADDINGTON.	

EARL GREY IN THE CHAIR.

Mr. J. Evans.

Mr. JOHN EVANS examined.

21 April 1863.

5966. (*Chairman.*) I believe you have had considerable experience in superintending works of various descriptions carried on by contractors?—Yes.

5967. You have been employed as an agent for several great railways, have you not?—Yes.

5968. You have, I believe, recently visited Portland prison works? Yes.

5969. Have you examined carefully the work that is performed there by the convicts?—Yes, I have.

5970. From that examination are you able to express an opinion as to the value of the labour that is performed by them?—Yes; I can give an opinion as to the prices that I should be prepared to put on that kind of work, supposing I was called upon by my employer to report upon the subject.

5971. Have you compared the prices that you would put on that kind of work, supposing you were employed to do so, with the prices which are charged in the annual reports of the Directors of Convict Prisons?—Yes, I have compared them with the report of 1861.

5972. Does the price put upon the labour of the convicts in that report correspond with that which you think it should fairly bear?—Upon the whole I do not think there would be any very great difference; there may be a difference of opinion as to a certain kind of work—perhaps the rougher kind of work, that is they may have a little higher price than I should feel disposed to put upon it, but for some of the other work, where the labour expended upon it considerably enhances the price of the material, I think they have got rather less than I should be disposed to put on it.

5973. Upon the whole then you think it is a fair valuation of the work that has been done?—I do.

5974. What is your opinion as to the degree of industry shown by the convicts in the performance of the work?—I must take into consideration that it is forced labour, and that it is therefore not done willingly.

5975. Do the men exert themselves as much as you think can be expected from them under the circumstances?—I think so, and I think that great credit is due to the officials who get what they have got out of the convicts; perhaps it is desirable to get something more, but I think that there is a great deal of difficulty in getting it.

5976. Of course there are among these convicts many men who have had no previous experience in the kind of work upon which they are employed?—Decidedly.

5977. That must of course reduce their ability in proportion to their numbers with reference to the amount of work that they perform?—Yes, and I will, with the permission of the commission, read a passage that I have written upon that particular point. "The prisoners have "their prison discipline and marching to and from their work in addi- "tion to their labour, and from what I saw, and the inquiries I made I "consider that the officers are employed with them as many hours as "appear to me desirable, considering the arduous nature of their duties." If I were employing free labour my men when they went to their breakfasts or dinners, for instance, would sit down on their work and get their meals, and be prepared to go to work immediately, but of course in the case of these prisoners they cannot do that, because there are fissures in the rock and all sort of creeping holes, and of course the prison officials look to the safety of their men in a great measure, and in fact that seems to be the first object, the safety of the prisoners; the next point is the amount of work that they can get out of them. They have to march to the prison, and each man has to be searched in order to see whether he has any dangerous weapon concealed about him, and which they have every opportunity of getting on their work. They are armed with picks, crowbars, and chisels, which would be very desirable to them if they wanted to break out of prison, and they have the knowledge how to make a mason's chisel into a jemmy. I have watched all these proceedings just to see the time that it took, and of course it reduces the amount of time that they have for labour.

5978. Are the convicts searched each time they go into the prison?—Yes, and also out of it every man is searched, at least, every working party has got a certain number to go to; a body of men walk up, and then the officer having charge of them is responsible for them, and searches every man; he passes his hand down to see whether there is any chisel or other article concealed, and the party examined and checked by a superior officer to see the warder has his number of men.

5979. That is done to prevent their hiding a chisel, or any article of that kind which might be used in assisting them to break out of prison?—Yes, or to commit an assault, because that sometimes happens. My memorandum is: "I carefully watched the prisoners while at "work, and I should say that two prisoners would do the work of one "free quarry man; but I am not surprised at this state of things, "because the work requires some degree of skill as well as industry, "and we must bear in mind that it is forced labour, and not given "willingly. The above requires this qualification, that a great number "of the prisoners are entire strangers to work of any kind, and in all "cases have never been used to work of this nature, which requires a "certain degree of skill as well as the will to work."

5980. Do you think that during the time they are employed they learn how to perform a certain kind of labour, which knowledge would be useful to them after their discharge?—I must say that on the works which I visited, the Verne fortification, although I am a mason myself, and was brought up to it, I could never have believed, unless I had seen it, that work of that nature could have been performed by those men.

5981. (*Mr. Waddington.*) Or by any but masons who have been brought up to the trade?—I have no doubt that they have been as it were apprenticed to the trade, and have been in this quarry, and have been gradually brought on, and the clerk of the works there I believe

Mr. J. Evans. thoroughly understands the work, and I think he is doing all he can.

21 April 1863.

5982. (*Lord Naas.*) Has the work at the Verne fortifications been done entirely by the convicts?—"A great portion of the stone used in "those works and casemated barracks has been supplied by convict "labour, and also 17 arches have been completed in every respect in a "very workmanlike manner, except the fittings, which are not yet "finished. With reference to the dressing and setting of the stone "and the turning of the brick arches, I consider that the work done "by convict labour there reflects great credit upon all who have had "the superintendence; the workmanship is of the first order."

5983. (*Chairman.*) Do you think that that description of labour is sufficiently hard to be felt by the men as a punishment as hard labour?—Decidedly it is, because they are a class of men who have not been accustomed to labour, and I consider that the labour at Portland is very desirable labour for those men. With regard to the quarry work the remark I made was "I consider this the legitimate work of all others "upon which the prisoners can be most profitably employed on account "of the large amount of unskilled labour which can be performed in a "very small area, and the labour is very severe for the hands."

5984. Do you think that the convicts might with great advantage be employed in quarrying stones for any of the public buildings which are in progress in London or elsewhere?—Decidedly, there is a great quantity of that material still left in those quarries.

5985. You think that that description of labour affords a training to a convict which will tend to make him a more useful man if he should go out to a new colony?—Decidedly, such as building a fortification, or roads, or bridges, or any work of that kind.

5986. This labour would make him generally handy?—Yes, and useful.

5987. For any kind of work that was carried on in a new colony, such as opening out roads, he would be fitted by this kind of employment?—Decidedly.

5988. (*Lord Naas.*) There is no necessity in that description of work for any association between convicts and free labourers?—Decidedly not.

5989. They can do the work entirely by themselves?—Yes, with with proper supervision.

5990. Are there any free labourers mixed up with the convicts at Portland, except their officers?—No; except at the Verne batteries, there a portion of the casemated barracks is being done by free labour and a portion by convict labour.

5991. Do the free labourers work together with the convicts?—No; they work separately, but still they are in the neighbourhood of each other.

5992. A few yards apart only?—Yes.

5993. (*Chairman.*) Are they near enough to speak to one another?—Yes.

5994. (*The O'Conor Don.*) Do not the convicts and the free labourers work also in dressing stones very near to each other?—They were not near to each other when I was present, because the dressing of the stone for the casemated barracks was carried on in the stone yard in the usual way, a little distance from the building.

5995. I do not refer to the first class dressing of stone, but to the rough dressing of the stone which is done out in the quarry near to the Verne fortification?—Yes; I am informed that a portion of those quarries are being worked by merchants, that is, the better description

of stone, which they considered too expensive for the breakwater, is now being worked out by merchants with free labourers, as tenants under the Crown.

5996. Are those free labourers employed quite close to the convicts? —Yes.

5997. (*Lord Naas.*) How near do the workmen employed by the merchants come to the convicts?—I should say within 100 yards.

5998. (*The O'Conor Don.*) Not nearer?—I cannot say.

5999. (*Chairman.*) Do you know whether those quarries are the property of the crown?—Yes; I made particular inquiries, and I have a short sketch here in the form of a report, showing about the area in each quarry, and the nature of the material that is still left in.

6000. (*Mr. Waddington.*) You are referring to the famous Portland stone, for buildings of the first quality?—Yes, but it requires to be used with judgment. Mr. Dallas, the clerk of the works there, is a very practical man, and he is quite capable of judging as to the qualities of all this stone, equally so with myself, in fact, he has been in the same employ for a number of years. I have known him by repute, but not personally.

6001. (*Chairman.*) Will you have the goodness to read the report to which you have just referred?—"I have the honour to submit my "report after visiting the above prison and works, and making a per- "sonal inspection of everything which I considered would assist me in "forming an opinion as to the proper amount of labour performed by "the convicts, taking into account the prison discipline and rules "which they have to attend to; I found the following prisoners, and "I have shown below their distribution for labour, &c.

"Quarrying stone, &c., &c., Admiralty	-	465 men.
"Vern ditch works „	-	471 „
"Vern batteries, War Department	-	198 „

Prison Department.

"Punishment	21	
"Arrivals	23	
"Infirmary	32	
"School	146	
"Tailors	17	
"Washers	21	
"Cooks	16	
"Bakers	10	
"Painters	5	
"Carpenters	4½	
"Blacksmiths	9½	
"Shoemakers	26	
"Stone Cutters	3	
" „ Sawyers	22½	
"Gardeners	7	
"Cleaners	12½	
	376	
"Total	-	1,510'

In the prison department where the drones were it will be seen that there were 376; some of them were usefully employed, but 146 out of those 376 were at school on that particular day, and therefore there was a drawback upon the amount of labour performed. Showing, however, that upon that day there were 1,510 men in the prison, in-

Mr. J. Evans.
21 April 1863.

cluding those under punishment and everything just as they were on that particular day, I then say, "I confined my inquiry to the break-
" water works, consisting of the quarrying of large blocks of stone,
" also the large ashlar blocks, with the small rubble, and all other
" materials required for that work; earthwork for railways and laying
" same, which are upon the broad guage principle, and about seven
" miles in length, and which were all laid and are now kept in repair
" by the prisoners." I must give that with this qualification, that a responsible person is in charge to see that they do their work properly.

6002. (*Mr. Waddington.*) Are those tramways that you speak of?—No; railways on the broad gauge to carry the stone to the breakwater.

6003. With locomotives?—Yes. Then I go on to say, "Making
" derrick cranes, stone trucks, casting their own machinery, and
" fitting up the same in a very workmanlike and economical way, and
" also boring, turning, and repairing the locomotive and other machinery,
" and with a few simple tools which have been principally cast and
" fitted on their premises, which certainly does credit to the convict
" labour; making and repairing waggons, their quarry and other tools
" and implements, sawing timber, and the other artificers' work necessary
" for carrying on the works."

6004. (*Lord Naas.*) Do the men make their own tools?—Yes, they are merely supplied with the steel and the iron.

6005. (*Mr. Childers.*) Do you mean their own tools in an engineering sense; mechanical tools?—Yes, they make their own boring tools for getting up the machinery, and the planing machinery. There is one prisoner there who is as good an engineer as ever I would wish to see in any engineer's shop; of course he is profitably employed, and his labour is very useful.

6006. (*Chairman.*) The labour of a man of that kind is of course worth far more than his keep?—Decidedly. The labour of that man at the very least is worth 5*s.* a day. I should expect to pay him 7*s.* or 8*s.* a day supposing he worked willingly. He appeared to take great pleasure in his work, and the clerk of the works reported very favourably of him; he seemed to be very proud of continuing his own trade.

6007. (*Lord Naas.*) Had he been employed as an engineer before?—Yes, as a mechanical engineer. Then I say "West quarry—the area of
" this quarry is about 25 acres in extent; and I find the stripping and
" rubble banks have all been taken away to the top of the roach," that is the first bed, that is really of service in buildings. "The roach and
" witbed"—that is the two top beds of rock—" is all gone, except about
" three acres. Best bed is still about 15 acres."

6008. (*Chairman.*) The roach, I believe, is the hardest stone?—Yes, on the top.

6009. Is it not that which they use principally in making the breakwater?—No, that is the material on the top of the roach, the roach is the material that they use for the dressed stone which will stand the water and the wash of the sea; the finer stone which is more generally used for buildings in London, and which carries a very decent face, is not so well adapted for that kind of work, as it gets worn away by the particles rubbing against it, it is of the softest nature. Then "East
" quarry. This has an area of about 25 acres, the principal part of
" which has been worked out for the supply of stone for the break-
" water, including a large quantity of flat flinty bed for sundry works
" in addition to the breakwater." (That is a large store for coaling the ships, and so on). For all the foundations of these buildings the stone has been supplied by convict labour, and it is stone that is very well adapted for that purpose, and for works of that character generally; a

great portion of that is still remaining there to be used. "There is still "in this quarry about 4 acres of good stone, best bed, all of which "has been stripped by convict labour, and the top rubble stone has "been used for the breakwater, but the under and most valuable beds "are now being worked out by the private tenants under the crown "who, to a certain extent, are reaping the benefit of the convict labour. "Weycroft quarry (about 6 acres.) The roach bed is quarried from "here in addition to the rubble off the top, but the most valuable stone is "now being worked out by private tenants under the crown who have "the advantage of the valuable under beds still left in there." I should think that that stone would certainly save 2*s.* or 3*s.* a ton by having the material there already stripped for them.

6010. (*Mr. Waddington.*) The stone below, as I understand you, is the softer stone?—Yes; anything did to pitch into the sea.

6011. (*Mr. Childers.*) Is any of that stone which has been worked out by private merchants about to be sent to London to be used in the public buildings?—No doubt of it; I could go and buy the stone in the market generally, and so could any one.

6012. Do you know, as a fact, that it will be sent?—I do not know that it is coming to any particular place, but I know that it is sent into the market generally, and I know the quality of it.

6013. It is not stone supplied under a sub-contract with a contractor, but it is a distinct trade?—Yes; this stone trade is generally with stone merchants.

6014. (*Chairman.*) There is a large demand, is there not, for that stone in London?—Yes, and not only in London but all over the country Portland stone is very generally used. I have used it very largely.

6015. In London, I believe, it is the best stone that can be used?—Yes, and it has been used very generally.

6016. It stands the London atmosphere very well, does it not?—Yes. I further say, "there is also an adjoining piece of good land "of about 12 acres untouched belonging to the Crown which might be "available as a quarry. The following are the prices which I consider "fair for the several kinds of quarry work and masonry, if executed "by free labour, or such as I should feel disposed to pay for the "work:—

		s.	*d.*
Rough stone from six tons to 10 cwt.	per ton	1	3
Small rubble stone	„	0	6
Foundation flinty materials	„	1	0
Broken stone for concrete	„	1	6
Rubble stone specially selected for hearting	„	1	0
Ditto large ditto ditto	„	1	3
Ballast, specially selected	„	1	0
Roach blocks delivered in stone fields	„	3	0
Whitbed ditto ditto	„	3	6
Korf ditto ditto (useless in market)	„	3	0
Best bed ditto ditto	„	3	6
Flatbed blocks scabled to hand	„	2	6
Whitbed blocks scabled to sizes and delivered to Verne	„	5	6
Whitbed blocks, two beds only scabled	„	2	6
Whitbed blocks scabled to moulds with steps sunk in them for alters, for graving docks at Devonport	„	6	6
Ordinary Whitbed blocks scabled to moulds	„	5	6
Roach blocks scabled to sizes	„	6	0

Mr. J. Evans.

21 April 1863.

" *Masonry.*

" Roach, Portland, dressed, 6*d.* per foot superficial, or 8*d.* per foot cubic.

" Roach, Portland, combed faced, 1*s.* per foot superficial.

" Roach, Portland, sunk face work, 1*s.* 6*d.* per foot superficial, add plain beds and joints 6*d.* per foot superficial.

" Roach, Portland arch stones, circular work, 1*s.* 6*d.* per superficial foot.

" Roach, Portland arch stones, faces measured, 1*s.* per superficial foot.

" Roach, Portland arch stones, add beds and joints 6*d.* per superficial foot."

Then I say with reference to a large under drain, " This has been a " very expensive and tedious work, having been carried out as an open " cutting, which would have been much cheaper put in as a small " tunnel with such air shafts as were needed." The work afterwards I found was carried out under the War Department. I do not know that I was called upon to make that remark, but I saw the thing in walking through it; and I should have put a little tunnel in that stone face, for to excavate 30 feet deep it is a very serious thing for men to do, because knobs of stone keep tumbling upon them, which causes it to be a very expensive way of doing that kind of work. " The Vern " fortification ditch.—The east end of the above work was done by " Mr. Leather, the contractor; the remainder is now being done by " convict labour, and the material has to be carried a longer distance, " and more difficult of execution; the west end of this work is not " yet completed, and is at present standing, awaiting orders from the " commanding engineer of the War Department. The excavation of the " above is in my opinion worth about 2*s.* 6*d.* per cubic yard." I have no idea as to the prices paid for the work, but that is what I should have been disposed to put it at as the working price, if I had been called upon to make a report as to the value of the work to my employers. " Play ground for naval cadets.—A large shed is being built here by " convict labour, and preparations making for a gymnasium. I have " examined into the quantity of stone sent to the breakwater, which " appears to have been carefully weighed by a self-registering apparatus " which is very well adapted for that purpose. Their account shows " 5,068,546½ tons of stone to the breakwater from 1849 to December " 31st, 1862. I have also examined into the books of the clerks of " works and the mode of ascertaining the measurement, and which " appears to be fairly made out under the several heads as to quality of " stone, workmanship, &c., &c."

6016*a*. (*Mr. Childers.*) Had you been at Portland before?—No; but I have visited and been employed in a number of quarries of various kinds, oolite and others.

6017. From what you saw on the occasion of your visit did you think that the works there might be much extended, and a larger number of convicts employed upon them?—There are a great number of convicts employed at present, because they told me that they were very short of orders and therefore they are working at present into stock, which is a very expensive thing to do.

6018. (*Lord Naas.*) What did you mean by saying that they were " short of orders "?—That is, that they do not know what to do with the stone that they are getting, and they merely deposit it in their yard as a kind of stock.

6019. (*Mr. Childers.*) Then they are competed with by the private

lessees of the Crown who are working stone in their immediate neighbourhood?—Yes.

6020. Supposing the Government took into their hands the whole of Portland, is there not employment there for a much larger number of convicts?—No doubt of it.

6021. Would that employment be remunerative?—Yes, under proper supervision.

6022. As remunerative in proportion as the present work that is performed?—Yes.

6023. Do you know whether the private quarries are let under long leases, or what the arrangement is?—I did not take that as a matter of my inquiry at all, but merely as to the labour.

6024. Does the stone which is taken out of those private quarries leave Portland by sea generally, or is it carried away by land?—It goes away by sea.

6025. Is it taken out on the Government trams, or is it carried out purely by private means?—There is a private railway company which carries this stone from the quarry.

6026. Over what is that carried?—I do not know what they term it, but it has been in existence for many years.

6027. Is it either the Great Western or the South-Western line?—No, it is quite a local company; it was a kind of tramway that the company originally had, and then they improved the character of their tram, and made it into a railway. I think that a portion of the incline down to the water side has been done by Mr. Leather within the last seven years.

6028. Is it on the same side of the island as the Government tram?—No, the government rail is on the east face of the island; the private railway is on the western face of the island; still, of course, the place of shipment, is within the shelter on the eastern side of the Chesil bank.

6029. Is the place of shipment private property?—Yes, and it is very commodious and efficient.

6030. Is it on Crown land?—I do not know.

6031. Have you any notion of the comparative quantity of stone that is quarried for the Crown, and for private persons?—No, I do not know that, but the export of the stone is very large.

6032. From what you saw there should you say it was larger than the amount that is quarried for the Crown?—I should think not. I do not think there are above 500 men at work.

6033. Do you know whether the Crown sell this stone?—I do not know. I was told that they were private quarries, some of them were worked out under royalties.

6034. Do you know whether any stone is sold from the convict works?—I think not, except what is sent to other Government works, such as Devonport or Portsmouth; they receive certain orders from the Admiralty to have executed, but now they have no orders; the rough material for the breakwater is nearly at an end, and they are working the stone into stock, so that the men under these circumstances cannot earn so much money as they would, supposing they had orders like an ordinary merchant.

6035. (*Chairman.*) Do you know whether any of the stone that is required for the public offices now in progress is supplied by convict labour?—I do not, but from the inquiries I made I supposed it was not so.

6036. There would be, I suppose, no difficulty in supplying the stone?—Decidedly not.

Mr. J. Evans.

21 April 1863.

6037. (*Mr. Waddington.*) Is there a very large stock on hand ?—No, but there is a great quantity.

6038. Is there a great quantity that cannot be disposed of ?—Yes, but it is not such stone as would do for public buildings.

6039. (*Lord Naas.*) I do not exactly understand what you meant by short of orders ; does that expression apply to the stone that is quarried by the convicts ?—Yes.

6040. Does it mean that the disposition of the stone for public works is not decided upon ?—Yes, it is so ; they have hitherto deposited the rough description of stone upon the breakwater, but they have got nearly all that they require. After this rough material is deposited, and they have made a foundation under water, they use a better description of stone, and that stone, as I am informed, is supplied by contractors or by free labour.

6041. When you used the word "orders" you meant, I presume, orders from the Admiralty as to finishing the breakwater ?—Yes, the breakwater or elsewhere.

6042. (*Chairman.*) Might that stone have been supplied by convict labour ?—Yes, I see no reason why it should not have been.

6043. (*The O'Conor Don.*) Are you aware how the free labourers at Portland work, whether by the day or the piece ?—It is by the piece generally.

6044. Could any such system be applied to convict labour in estimating the value ?—I have had great experience in organizing large gangs of men, and considering the discipline that the convicts have to undergo, I do not see how it could be managed.

6045. (*Chairman.*) You are aware that the industry of the men mainly depends upon the supervision of the warders ?—It does to a certain extent ; but it must be remembered that a man may be industrious without being really reported ; as you may say, he may work in such a way as in fact to throw his labour away, if that can be understood.

6046. You mean he may wilfully throw his labour away ?—Yes, and there is great difficulty in the warders reporting a man for being idle, if he chooses to be obstinate.

6047. You think that a man may get V.G. as industricus, when he really does very little valuable work ?—I do not know that I could go so far as that, but I think if I were placed in that position, and I had 25 or 30 of these men to look after, it would be very desirable for me to keep on good terms with them to a certain extent, for they are not the most amiable of characters, and I think it is a very difficult matter to manage them well.

6048. You mean, I presume, that these warders may be a little apprehensive, and afraid of being too strict in reporting the men ?—That is what I am afraid of, for they are, to a certain extent, unprotected ; if they are out with 20 or 30 of these characters, I think that the warders would not report a man unless they found that they were really obliged to do so.

6049. (*Mr. Waddington.*) You mean that they must be to a certain extent at the mercy of desperate convicts ?—Yes, I do mean that.

6050. (*Chairman.*) Might not that, to a certain extent, be got over if the credit given to the convicts for their industry was periodically checked, by examining the work done by them, say within a month, that examination being made by some superior officer ?—It might.

6051. Would it not be desirable for some superior officer to go down once a month, or oftener if necessary, and examine the work actually done, and compare that with the credit given by the warders to the

several men under their charge, and would not that be a check upon the manner in which credit had been given to them?—I think that there would be a great difficulty about it, to get at correct results with such a system.

6052. (*Mr. Waddington.*) You mean that it would be difficult to get at the work done by individuals?—Yes.

6053. But you might get at the work that had been done by a particular gang?—Yes.

6054. (*Chairman.*) Would not that be a very good guide to the superior authorities in judging how far the warders had usefully performed their duty, if an examination periodically were made to ascertain whether the work done by a gang under a particular warder was sufficient or otherwise?—Yes; but they have a certain inducemen to do that now, for they are allowed gratuities, and all that sort of thing, and there is a superior officer, I believe, who is placed over the warders, a kind of overlooker, and if he sees that a gang is particularly idle he reports the warder, that is, as far as my observation goes, and then he loses his gratuity; he is at the mercy of the governor in that respect, who is guided partly, no doubt, by the report from the clerk of the works.

6055. But the warder is also partly at the mercy of the convicts, is he not, because they may make him lose his gratuity by not doing a fair amount of work?—Yes; no doubt of that.

6056. (*Mr. Waddington.*) I suppose that if there was a great deficiency in the work done the clerk of the works would observe it, and report upon it?—Yes.

6057. It would be his duty to see that the labour performed was not below the average quantity?—I cannot go so far as that; I did not inquire, but I understood that the clerk of the works was responsible for the mode in which he laid out the works, and so forth, erecting the proper machinery, and for the proper superintendence in getting the work done in a proper and workmanlike way, but I think that the quantity of work got out of the convicts remains with the prison authorities.

6058. Have you any doubt that if there was a marked difference for the worse in the quantity of work done, the clerk of the works would report upon it to the prison authorities?—I think he would, if the convicts were particularly idle, he would no doubt feel it his duty to do so.

6059. Were you informed what the nature of the diet was that the convicts had at Portland?—I saw them have their dinner.

6060. Did you take particular notice of them?—Yes.

6061. Can you give the Commission your opinion as to whether the food in quantity is excessive or not for the sort of work they have to do?—I do not see that you could give them much less, bearing in mind the nature of the work that they do, and the long hours that they are upon their legs, even if they did no work. I happen to know something about the quality and the quantity of food that our free labourers put away, which is something considerably more than the convicts have.

6062. When employed on the same sort of work?—Yes.

6063. (*Chairman.*) You think that the free labourers on the same sort of work would consume considerably more food?—Yes, they would have larger rations and a better quality of food altogether, in addition to the greater quantity, and it must be borne in mind that the

Mr. J. Evans.
21 April 1863.

convicts have no stimulants of any kind, while the free labourer generally has his beer.

6064. (*Mr. Waddington.*) And tobacco ?—Yes.

6065. Is that, do you think, a very great stimulant ?—These poor fellows think a great deal of it.

6066. You mean the free labourers ?—Yes.

6067. (*The O'Conor Don.*) Do you believe that convict labour was economically employed in making the breakwater at Portland ?—I think, considering how these works are laid out that they are very well laid out ; as I said before, perhaps if I had done them some of the things might, to my mind, have been laid out a little better, but I think upon the whole that they have been laid out very well.

6068. (*Chairman.*) You have, no doubt, upon the whole, that, as it was necessary to maintain the convicts they have been made to give a fair return for it by their labour ?—Decidedly, and there has been a great improvement upon what it was in former years.

6069. (*Mr. Waddington.*) Have you had an opportunity of observing the work that was done at the hulks ?—No, except when I was a young man, and have repeatedly seen them at work in the dockyards.

6070. You have no hesitation in saying that the work done at Portland is a vast improvement upon the work that was done at the dockyards ?—Yes, decidedly.

6071. (*Lord Naas.*) Do you know how long the projected works at Portland will take to finish ?—No ; I do not know that.

6072. (*The O'Conor Don.*) I presume that among the large number of convicts at Portland there are several of them who are skilled quarrymen and skilled in stone-dressing, or who have been masons by trade ?—There are very few. The convicts generally are of a particular class, and, as I am informed, they never get a good navvy ; and he is a character that I have to deal with very largely. He perhaps may go poaching or something of that kind, but he does not commit any of these desperate acts ; he does not commit a burglary, or anything of that kind.

6073. (*Chairman.*) Navvies seldom find their way into convict prisons ?—Very seldom. As to the engineer that I referred to, they said that it was quite a wonder to have such a man in that position.

6074. (*Mr. Waddington.*) Except in a poaching case ?—Yes ; that class of men does not come under their observation much.

6075. (*The O'Conor Don.*) Do you believe that the gang of men that was engaged at a very high class of stone-dressing for the Verne works acquired their skill in Portland ?—Certainly. I believe that two thirds of them were unskilled at the time that they entered that establishment.

6076. (*Chairman.*) And many of them had been unused to any kind of hard labour ?—Yes.

6077. (*Mr. Waddington.*) Many of those convicts came from the large towns, did they not ?—Yes, so I was informed.

6078. (*Chairman.*) You have also, I believe, visited Chatham ?—Yes.

6079. Have you made any report upon Chatham of the same kind as for Portland ?—Yes.

6080. Will you have the goodness to read it ?—"I have the honour " to submit my report, after visiting the above prison and works, and " making a personal inspection of everything which I considered would " assist me to form an opinion as to the quality and amount of labour " performed by the prisoners.

"I found the under-mentioned number of prisoners, and have shown
" below their distribution as to labour, &c.

" Admiralty Works - - - - -	636
" Brickfield - - - - -	198
" Engineer's party - - - - -	10
" War department - - - - -	21
" Prison works - - - - -	131
" School - - - - -	103
" Infirmary - - - - -	35
" Punishment, separate cells - - - -	7
Total -	1,051

" Captain Powell said that they were about 50 below their usual
" number.

" *Admiralty Works.*

" I found the prisoners here employed chiefly in pile driving and
" forming foundations, and building river wharf wall of a very great
" length and height, excavating clay and earth for foundations, and
" also for backing up the said wall ; forming sea sloping wall paved
" with stone, and road formed all round, sea bank partly formed, all I
" believe intended as preliminary work for the contemplated new docks;
" a small party scabling and dressing stone for paving sea face of
" sloping wall.

" *The Brickfield.*

" I found the brickfield in very fair order, the men having com-
" menced making bricks, and I believe they are making a fair rough kiln
" brick, and no doubt as the season advances they will very much im-
" prove their hands for the manufacture ; the Kilns are well built, the
" clay appears good, and everything looks like manufacturing premises;
" everything prepared in a business-like way, and does all concerned
" great credit.

" *The Pile Driving.*

" I found 15 men to two ordinary pile driving engines ; I should
" under similar circumstances have employed 12 men at the most, and
" perhaps only 11 men by free labour. The excavation is being done
" in a very rude and expensive manner, as the dirt is taken away, tide
" work, and wheeled into waggons, and then drawn away by manual
" labour, 24 men doing the work of one horse only. I should recom-
" mend the substitution of horse labour as a saving."

The price I pay for a horse and a driver is 7*s.*, so that they are throwing away the labour of 24 men to earn 7*s.*

" The concreting is being done very well, but labour rather expen-
" sively for the want of proper barges to get the material close alongside
" the foundations." In fact, the clerk of works they have there does not appear to have any power, but is more a foreman under the engineer of the Admiralty.

6081. (*Mr. Waddington.*) Is there no clerk of the works corresponding with Mr. Dallas at Portland ?—There is no person, I think, equal to that position, or armed with sufficient power.

6082. Do you think it is desirable to have such a person ?—I should say so, in order to get these men placed properly. " The brickwork of
" the sea wall is exceedingly well done, and, I believe, equals any that
" I have seen ; but they appear to take great pains with it, and from
" what I saw I believe that quality is the object, and not quantity."

Mr. J. Evans.

21 April 1863.

6083. (*Lord Naas.*) Were the bricks laid by the convicts?—Yes, and the wall is done equal in quality and workmanship to anything I could do by free labour; but I say as to quantity you cannot expect that. You may get, perhaps, two or three of these men accustomed to lay bricks, but the others are not, and they are, to a certain degree, apprentices. You cannot expect to get the same amount of work out of them that you would out of an ordinary bricklayer. "The backing "up of the sea wall is not proceeding satisfactorily, as means could be taken to exclude the tidal water from the excavation made, to give the material to do the above work; but at present the wall is being backed up with mere mud, and I question whether it will withstand the pressure behind the wall of so much soft material." If the tide comes over this place, where they take this material from, and then depositing it at the back of the wall, by mixing it up and down with the sea water, it becomes mere mud, and it may eventually push the wall out.

6084. (*Mr. Waddington.*) That was the fault of the engineer?—I cannot say; perhaps I am wrong in saying that, but I think that is a sort of thing that should rest with the clerk of the works. I do not think that responsibility should be placed upon the engineer, because he has other duties to attend to. If I were doing that work I should say that it was my work, and not the engineer's work. Then I give the prices:—

"Prices as under all tide work.

	s.	d.	
"Pile driving, 9*d.* per cubic foot.			
"Bag and spoon work foundations -	2	6	per cubic yard.
"Concrete in „ -	5	0	„
"Concrete behind walls - -	2	6	„
"Brickwork in cement - -	6	0	„
"Excavation and backing walls from same - - - -	2	6	„
"Paving sea wall slope - -	0	5	per superficial yard.
"Hammer dressed Kentish Rag -	0	4	per superficial foot.
"Bush pick face coping draft, all round - - -	1	0	„

	s.	d.
"Brickmaking, per 1,000 - - -	10	6
"Unloading and preparing clay, per 1,000 - -	2	6

"*Time for Labour.*

"I find that the largest day's work is here nine hours effective labour, "but a deduction of half a day per week from this for school, and two "hours for Saturday afternoon, reduces the time to eight hours." That is in addition to the training they have to undergo, and the prison discipline.

6085. (*Lord Naas.*) And returning from their meals?—Yes; it must be borne in mind that the warders and officers of the prison have to give all these prisoners their dinners, and their duties are very arduous. I think it is right that they should have their dinner hour, but under these circumstances it makes the prisoners have a long meal time, and I do not see how that is to be avoided.

6086. (*Chairman.*) Your men would take their meals upon the spot?—Yes, they would not have to march into the prison.

6087. They would take both their breakfasts and dinners on the spot?—Yes.

6088. (*The O'Conor Don.*) The men employed at the Verne fortification did not return into the prison I believe for their dinners ?—No.

6089. (*Lord Naas.*) How did they get their dinners ?—They had made a shed there specially for them, but they had to undergo all the routine in that shed the same as if they had been marched into the prison.

6090. (*Chairman.*) That was absolutely necessary ?—Yes, you cannot get over that ; then again if it is foggy weather they would be very likely to get out, and they are obliged to make all sorts of shifts for them for that particular day, and keep them employed about the yard, close under their eyes ; but it is a very difficult thing to do.

6091. (*Mr. Childers.*) And then again a wet day drives in a convict long before a free labourer ?—Yes, the doctor reports that if the men get wet they will become ill. (It must be born in mind it is no joke to dry 1,500 men's clothesafter being wet.) With regard to the excavations at Chatham I consider that one good navvy would do the work of two prisoners ; but it must be borne in mind that the prisoner is a fine fingered man, who has never done any work, and I think that great credit is due to the prison officials for getting out of them what they have got ; but it is very desirable to get something more out of them if it is possible, and I think that there is great difficulty about it.

6092. (*Chairman.*) Your impression, upon the whole, is that the work is not so well carried on at Chatham as it is at Portland ?—It has nothing to do with the officials or with their party, because Captain Powell informed me that he wished to employ horses, but he could not get them, and he was therefore obliged to employ his men. As to taking a lot of men to pull a lot of railway waggons, what the men themselves say is that "It is donkey work," which they have no business to do, and therefore they do as little as possible ; but that is the sort of expression that you hear from them ; they have that sort of feeling, that they have no business to do that kind of work at all, that it is not proper work for men, that it is the work of horses.

6093. (*Lord Naas.*) The convicts do not draw in the same way at Portland ?—No ; they have a locomotive there, and the work is laid out in a very superior and very efficient way.

6094. There is much greater variety in the work, is there not, at Chatham than there is at Portland ?—Yes, the works are quite of a different class. It is preliminary work, with the idea of constructing a large dock.

6095. Did you find many free labourers working at Chatham ?—Not many. There were a few.

6096. Were they working near where the convicts were working ?—Yes, close alongside.

6097. Were they mixed up with them ?—No, not exactly mixed up with them, but they were doing certain work at the foundations that it was not desirable the convicts should do, as it would be a little bit out of the way of proper supervision and there would be a chance of their getting away.

6098. (*Mr. Waddington.*) Did you observe any difference in the mode of working, or in the apparent industry on the part of the convicts at Chatham as compared with those at Portland ?—No, I think that they worked pretty fairly at both places ; Captain Powell I believe was at Portland before, and I think that there was just about one system at both places.

6099. (*Lord Naas.*) In commencing these works to be carried out by convict labour, it would be possible I suppose to value the whole job before it was begun ?—Yes, I am called upon to do that very frequently.

6100. And there would be no difficulty in that upon almost all these

Mr. J. Evans.
21 April 1863.

works?—None at all; if I was going there for Mr. Brassey, estimating for taking his contract, I should take for granted that I should have my way of carrying out the work—your people have not their own way of carrying it out.

6101. Still there would be no difficulty in comparing the work after it was finished and the cost of it, whether it were done by free labour or by convict labour?—Certainly not.

6102. (*Chairman.*) Do you consider it would be an advantage if the convict department were put in the situation of a contractor for other departments and was allowed to carry on the work in its own way?—There is no doubt about that, but you must have efficient servants to do it.

6103. You think that there would be no difficulty in having specifications drawn out, as they would be drawn out for a contract for the work, nor in having that work valued and executed by the convict department for any other department of the Government?—There would be no difficulty about it.

6104. Would the work then be carried on in a more satisfactory manner than it is now, and would such mistakes as employing 24 men to perform the labour of one horse be less likely to occur?—I consider that they would have the option of doing their work in their own way.

6105. (*Lord Naas.*) Would it be desirable that the convict department should then employ their own engineer, their own clerk of the works, and have their own staff to execute the works?—I cannot say that I can go so far as that, but I can say this, as I am situated, when we undertake a contract for a certain estimate it is with the understanding that we are allowed to carry out that work in our own way, so long as we conform to certain stipulations in the contract deed and specification, and the work is executed in a proper and workmanlike manner. In the case that has been referred to, at Chatham, we should have built that sea wall as soon as we could, and we should have excluded the tide, as I have already said, and have done sundry other things which, perhaps, would very much have cheapened the labour.

6106. (*Chairman.*) You think that it would be an advantage if the convict department was put in the situation that you would have been in if you had undertaken the work for a contractor?—No doubt of it.

6107. You think that that would lead to economy of the public money?—No doubt of it.

6108. (*Lord Naas.*) And that would lead almost to an absolute certainty, or, at all events, to more accurate knowledge, as to the cost of each undertaking?—No doubt of it.

6109. (*Mr. Waddington.*) It would of course depend upon the correctness of the estimate?—Yes, that is the view I take of it. You will never make a convict, if ever so willing to work, so efficient as to do the work that a free labourer can, and I will give you this as a reason, that very likely if I was employed on these works I should say "Jack go here and do so and so, Bill you go there and do so and so," but the warder who is there if he wants something done must take all his working party with him, because he is responsible for their safe custody, and, perhaps, he has 14 or 16 or 20 men in his party, when, perhaps, five or half-a-dozen of the men would do the work that the whole of those men would do for that time.

6110. (*Chairman.*) That would be because he could not leave the other 15, or whatever the number of the party was, behind?—Yes.

6111. (*Mr. Waddington.*) Working in gangs is a great obstacle to making the most of the labour of individuals?—Yes, and I do not see how you can make it otherwise.

6112. If there was a much smaller number of prisoners, and the best workmen were selected and they were kept together, you might employ them more economically and advantageously ?—I do not know. There is a great deal of difficulty. I think that the object is to place those men in a position to earn their own living at the completion of their term of imprisonment ; and I think that if they are mixed up with good workmen, and they become imbued with something like the same spirit, they will get on well.

6113. Your opinion is that it is better that independent workmen should work with the better hands among the convicts, so that they may become animated by the same esprit de corps ?—Yes, to be of the same service.

6114. (*Lord Naas.*) Do you consider that the warders and officers, who are experienced in this sort of work, can assort these gangs in the best way with reference to the object in view ?—There is rather a difficulty about that. There is no doubt that for the discipline of these men there are no officers better than old soldiers, but those men have no practical knowledge as to applying the work on the part of the men economically. You cannot expect them to understand the two duties.

6115. So that the best discipline officer is not always the best working officer ?—Yes ; that is the result of my inquiry.

6116. Do you think that in general the gangs were sufficiently supervised at Portland and at Chatham ?—Yes.

6117. There was no lack of superintendence ?—No.

The witness withdrew.

Tuesday, 19th May 1863.

PRESENT :

Earl GREY.	Mr. HENLEY.
Lord NAAS.	Mr. WADDINGTON.
Lord CRANWORTH.	Mr. RUSSELL GURNEY.
Mr. BOUVERIE.	The O'CONOR DON.
Sir JOHN PAKINGTON.	Mr. CHILDERS.

EARL GREY IN THE CHAIR.

Colonel EDMUND Y. W. HENDERSON, R.E., examined.

6118. (*Chairman.*) You, I believe, filled the office of Comptroller of Convicts in Western Australia for a considerable time ?—I did, from 1850 to 1863.

6119. That would be from the commencement of the penal establishment in that colony until your resignation very recently ?—Yes.

6120. You made the original arrangements for the reception of convicts in Western Australia ?—I took out the first batch of convicts that were sent to the colony.

6121. And you have had charge of all the measures which have been adopted from that time to this for the control of convicts and for disposing of them in the colony ?—I have.

6122. You, I believe, have had an opportunity of reading the evidence which has been given to this Commission by Capt. Kennedy, with respect to the penal establishment in Western Australia ?—I have; I read it yesterday.

6123. Do you concur generally in the opinions expressed by Capt. Kennedy as to the success of the experiments ?—Quite so. I have

Col. E. Y. W. Henderson, R.E.

19 May 1863.

been in constant confidential communication with Governor Kennedy ever since he was in the colony, and I think that our ideas upon the system are very much the same.

6124. You believe, from the condition in which you found the colony on your first arrival, that if convicts had not been sent there, it would probably have been given up altogether?—I think that that would have been the probable result.

6125. That all the inhabitants who could would have left it?—Certainly.

6126. You believe that when the discovery of gold was announced in New South Wales it would have taken away probably the rest of the settlers who could move?—Everyone would have gone.

6127. Has the effect of sending convicts there been greatly to increase the prosperity of the colony?—I think that it has very much so indeed.

6128. With regard to the convicts themselves, have a great number of them, in the situation in which they are placed, behaved well after their release from actual coercion?—I think that in that respect the success of the system has been something extraordinary. The peace and the quiet which prevails in the colony is something which nobody would believe who did not go there. I may mention to the Commission that Mr. Hargreaves came at our request to see whether there was gold in the colony, as it was desirable to set that question at rest, and he expressed himself at the public dinner which was given to me previously to my departure as being perfectly surprised at the state of quiet and good order which he found to prevail throughout the whole colony.

6129. Do you attribute that result to the system which has been adopted in the management of the convicts there?—Partly to that, and partly to the fact that I think a new climate, and a change of scene, with a prospect of getting an honest living before them, and the utter impossibility of escape from the colony, altogether change the men after their arrival from what they were in England.

6130. There is, we understand, a very strict system of control with regard to the convicts as long as they hold their tickets of leave?—Yes, the ticket-of-leave system has always been I may say a reality in Western Australia; the men were confined to certain districts and we knew all about them and could put our hand upon them if we thought it necessary.

6131. And if they were guilty of any irregularity they were immediately returned to the convict establishment?—Yes.

6132. On the other hand, if they behaved well they knew that they had, in yourself and in the other officers in the colony, friends who would always try to promote their real welfare?—Quite so; that was the broad principle on which I made all the recommendations that I did. I always considered that to men who were in the first instance transported to the colony their great punishment was being removed, you may say almost for ever, from the land of their birth and from all their associations, and that whatever we did with them was, so to speak, a matter of police regulation, and as long as they would show me that they were really anxious to do well and were likely to become good settlers in the colony, I always held out every possible inducement to them to do so. On the other hand, if they showed that they were not likely to do well, they received far more severe treatment I believe than they ever got in other colonies.

6133. By that means you acquired a great influence over their minds and over their conduct?—Quite so, I think.

6134. Captain Kennedy has expressed to us a strong opinion that it it is not desirable that conditional pardons should be granted to convicts in the colony, that you may do better with tickets of leave than with conditional pardons. Do you concur with him in that opinion?—I do to a certain extent, but I should be very sorry to see the power of granting conditional pardons entirely suspended. I think that the present transition is too sudden. A ticket of leave is as I say a reality, and the restrictions are very considerable; whereas directly a man gets a conditional pardon he is as free as anybody else, with the exception of course that he cannot return to England, and he is then removed from all police supervision and from the Summary Jurisdiction Act which is the great stand-by in the colony. What I should wish to see would be the issue of licences to be at large at the same period as the men now get conditional pardons, and that the issue of conditional pardons should be entirely a special act recommended by the governor from time to time to such men as he might think deserving of that boon.

6135. Do you not think that upon the whole it would be advisable to put an end to the system of conditional pardons, and after a certain period of good conduct with a ticket of leave to relax the conditions upon which the men are allowed to be at large in the colony?—I should be sorry to see the conditional pardon abolished altogether, because it would make an additional stage in the treatment of the convict, but I would make it the exception.

6136. With regard to the resources of the colony, have you any doubt of its ability to receive a very considerable number of convicts?—At the present time I should say that there would be no difficulty whatever if you sent, say 1,000 men annually, and from all that I can gather that would get rid of all the men whom really it is desirable to get rid of.

6137. Do you mean to say that you think that 1,000 men might be discharged with tickets of leave in the course of the year?—No; what I meant was that 1,000 should be sent from England to serve for various periods on the public works, and then be discharged.

6138. By degrees?—By degrees.

6139. I suppose that as long as they were kept under the restraint of the Government there would be no difficulty with regard to providing for even a larger number than 1,000, if it was thought necessary?—There would be no difficulty whatever in the way of providing for their accommodation.

6140. For their accommodation and for their employment in profitable labour?—Certainly.

6141. There is a large extent of public works which might be undertaken with advantage, and afford ample means of employing them, provided the money was available?—There would be ample employment for any number.

6142. But you think that if 1,000 convicts were sent annually that would naturally lead to 1,000 being discharged with tickets of leave annually?—Yes; I presume that the average would be about that.

6143. And in the present state of the colony the labour market would absorb 1,000 ticket-of leave convicts coming upon it?—I think that it would, provided that there was any certainty of the continuance of the system, that is the great point.

6144. The uncertainty of the continuance of the system has been, I understand, a great check to enterprise?—It has been, I may say, ever since 1853.

Col. E. Y. W. Henderson, R.E.

19 May 1863.

6145. In its present state the colony is more able to receive ticket-of-leave men than it was when the first convicts who were sent were entitled to that indulgence?—Very much so; it was with the greatest difficulty in the world that we got them off our hands then.

6146. The labour market has been very much enlarged since those days?—Very much.

6147. Have you any doubt that the demand for labour would continue progressively to increase, provided it was known that the system of sending convicts was to be permanently kept up?—I have no doubt of it.

6148. You believe that, year by year, the colony would be able to absorb in the labour market a larger number of convicts being entitled to their freedom?—I should say so.

6149. With respect to the limits within which convicts can be employed, is there not good land suitable for settlement considerably further to the north than settlement has yet extended?—Mr. Gregory was sent up there, I think, last year on an exploration, and he made a very favourable report of the country to the north of Shark's Bay; that would be about 600 miles further north than there are yet any settlements.

6150. Do you suppose that available teritory, suitable for settlement, exists continuously from Champion's Bay to Shark's Bay?—No; there is a portion about Shark's Bay which is rather unhealthy; the banks of Shark's Bay itself are very low and very flat, and there is a range of broken country, and there is very little water that they have yet discovered; that has been the difficulty in getting further northward; there is no doubt that but for that they would have extended squatting stations further northwards by this time.

6151. How far back from the coast does the available territory extend?—I think not more than 100 miles in the old colony; then there is a belt of land through which they have not yet penetrated; but there is no question that at the back of that, and between that and the country recently explored by Mr. Stuart, there must be a vast extent of country available for squatting stations. There is a large belt of land into which they have penetrated perhaps 200 miles, without there being large squatting stations, but there are small stations on that land; but I have no doubt that eventually they will penetrate through it, and there is a distance I suppose of 1,000 miles between that and Mr. Stuart's exploration which is as yet wholly unexplored; no white man has yet been there.

6152. With reference to the southern portion of the colony, is there not good land scattered at intervals the whole way to King George's Sound?—Yes, along the sea-coast, not along the line of road. There is some very fine country which has recently been taken up to the southward, which has hitherto been overlooked in consequence of the presence of a very large river which has stopped them; but we have recently bridged it—that is, south of the Blackwood River.

6153. Have you not been prevented by the deficiency in the number of convicts from undertaking many works which you contemplated when the penal establishment was first formed?—Almost entirely so.

6154. If I remember rightly, one of the principal objects contemplated was some improvement of the harbour?—It was.

6155. But nothing, I believe, has been done to it at all?—Very little; nothing has been done to the harbour itself beyond buoying it, and so forth. We did a little for the improvement of the navigation of the river, but nothing of any great moment.

6156. Is it your opinion that a pier could be made at the mouth of

the river to facilitate landing ?—I am quite sure of it ; a timber breakwater might be thrown out there, and it might be rendered a secure port at all seasons of the year.

6157. Might that be done at no very large expense ?—I should think so ; with a plentiful supply of convict labour it might be done for a very reasonable amount.

6158. The prison at Fremantle was established very much with a view to that point ?—Almost entirely so.

6159. What other employment is there for the prisoners at Fremantle ?—There are plenty of roads to make. There is no immediate work in the town at the present moment beyond making roads into the interior, and to Perth which is the capital.

6160. Are there roads within reach of the prisoners who are in the prison at Fremantle upon which they can be employed ?—There is plenty of employment for the prisoners in the immediate neighbourhood of Fremantle, but there has always been so much demand for them in the country that we have very few of them in Fremantle.

6161. The prison at Fremantle is not above half full, is it ?—It has never been above half full, except just upon the arrival of a ship.

6162. With respect to the road parties, you employ upon those road parties, I believe, the convicts with whose conduct you are best satisfied ?—Yes ; I invariably endeavoured to make the road parties not a place of punishment but a place of probation. The men were selected to go there some few months before they got their tickets. We allowed one warder to about 30 men. They had no guard or protection of any kind, and they were left pretty much to themselves. The work was always carefully measured, and, of course, constant reports were made of their conduct ; any misconduct was severely dealt with, and on the other hand, they got extra remissions if they behaved well, and we found that it formed a sort of intermediate stage between the prison and the ticket of leave, which had a very beneficial effect.

6163. You think that it was of great importance to give extra remission to those in the road parties, compared with those otherwise employed ?—We did so, but I am not quite sure that it was a very sound practice, because it made the men inside discontented.

6164. You always, when a ship arrived, kept the prisoners in the first instance at Fremantle, did you not ?—I always kept them there for a short time, just to break them in, and acclimatise them ; they were told what they had to expect. I used to address them perhaps once or twice, and tell them the treatment which they would receive there. They had pointed out to them two or three differences which there were in our mode of dealing with them from the mode of dealing with them at home ; for instance, attacks upon warders, accompanied with any severe violence, were there punished capitally ; the offenders were liable to be hanged for it.

6165. (*Mr. Waddington.*) You mean, without the warder dying ?—Yes.

6166. (*Chairman.*) There was one execution ?—Yes, and it had a very excellent effect.

6167. Did it put a stop to the offence ?—I think it did. We have had very few of those cases since. I have a very strong opinion upon that subject. I believe that where a downright savage attack is made upon a warder, which might result in death, it is very good policy to execute the man.

6168. Where a man has done his best to kill, you would treat it as murder ?—Precisely.

6169. (*Mr. Childers.*) I think that the scale in Western Australia

Col. E. Y. W. Henderson, R.E.

19 May 1863.

for tickets of leave and conditional pardons was settled after a dispatch covering a letter from you?—Yes; there are several dispatches bearing on the subject; there are no less than three different scales.

6170. But the principal scale, which was adopted in 1859–60, I find was taken from your letter to Governor Kennedy, and confirmed by the Colonial Office?—I presume that that is the case.

6171. That scale provides for release on ticket of leave at an earlier date than release in England, and release on conditional pardon at an intermediate date between ticket of leave and freedom?—Yes; the conditional pardon was supposed to be got at about the same time as a man would get his licence to be at large in England.

6172. In submitting that scale, which is the scale now in force, do you remember what you said in support of the system of conditional pardons?—I think I said that if it was stopped the probabilities were that it would throw an additional number for support on the hands of the Government, as of course we should have to support those men who were out of work.

6173. Your letter was dated the 28th of December 1858, was sent forward in January 1859, and was adopted about the end of 1859. In that letter you said: "It would, I think, be proper to bring under the "notice of the Secretary of State the great accumulation of men "which a few years will bring upon the hands of the Convict Depart- "ment, if the practice of discharging them with conditional pardons "is abolished. The whole body of convicts will remain for a much "longer period than now chargeable to imperial funds, in the event of "sickness or want of work; they will be prevented leaving the colony "should opportunity offer, tending to overstock the labour-market; "and, above all, the great inducement to good conduct which the boon "of a conditional pardon now powerfully supplies will be removed." Do you now take that view?—Of course it would throw an additional number of men on our hand who were sick or out of work, because if they simply had a licence to be at large we should be bound to support them when they were sick or out of work. At present when a man gets a conditional pardon we wash our hands of him, and know nothing more about him, and he comes upon the colony if he is in distress or is sick. The issue of a licence to be at large would meet some of those objections which I have there raised, because I presume that a licence to be at large would relieve us from everything; but as long as the man is in the colony, being subject to summary jurisdiction, and if the conditional pardon is made the exception, there is still a hope before him, and that would be a still further answer to the objections which I have stated.

6174. Do you also hold the view that the men "would be pre- "vented leaving the colony, should opportunity offer, tending to "overstock the labour market?"—That is a point upon which it is very difficult to give an opinion, because it depends so much upon the advance of the colony. If the convict system is made a permanent one I do not think that it will signify much whether they are allowed to leave the colony or not.

6175. Take the years from 1855 to 1858; at that time, I believe, there was no great fear that the system would not be a permanent one?—There has been such a fear ever since 1853. I think you will find in those Blue Books constant references to that fact.

6176. Since the penal servitude Act was passed?—Yes; I think it was stated then in the House of Commons by Lord John Russell that transportation was to be abolished. When I left the colony, if you

had taken the opinion of three-fourths of the people, you would have found that they were under the impression that the Home Government were simply waiting for an opportunity to abolish the system, and that has been literally the case ever since 1853. *Col. E. Y. W. Henderson, R.E.* 19 May 1863.

6177. Is it not the fact that in those years to which I have alluded, namely, from 1855 to 1858, the great majority of the conditional-pardon men left the colony as soon as they could?—That I cannot say; I think that the number of men who have left the colony has been exaggerated, but there is no record of them, and it is a point upon which nobody can speak with certainty.

6178. Have you not yourself given the statistics of the number of persons who came into the colony as convicts, the number existing in the colony as convicts, and the number who died in the meanwhile?—Yes.

6179. Would not the difference between those give the number who left the colony?—No, it would not to a few hundreds; because, in the first place, the people who collect the census know nothing about the status of the men; you have a printed paper given to you, and fill it up yourself, and of course all these men ignore being conditional-pardon men; directly they get their conditional pardon they consider themselves free, and the police know nothing about them.

6180. Have you not adopted those figures in your reports upon that subject?—I never gave the names of the men who had left the colony.

6181. Have you not given the number of persons in the colony who had been convicts?—No; I think not. I always gave the number of pardons which had been issued, and the census returns showed the number of persons still in the colony, but, as I say, the difference would not in my opinion show the number of convicts who had left.

6182. Do you think that a certain number of people would evade the statement of their condition required by the census paper?—No doubt a very large number would do so.

6183. But you are aware, on the other hand, that as many as 150 or 200 conditionally-pardoned convicts have left the colony in one year?—I have no idea how that is.

6184. You have stated so, I think, in despatches?—I have forgotten it if I have.

6185. Was not it a fact that when the colony was receiving, compared with what it received in 1860–61, a considerably larger number of convicts, simultaneously a large proportion of those sent in previous years were leaving for the adjoining colonies?—The migration of the men to the Eastern colonies has now almost come to an end.

6186. I am speaking of the years before the passing of the Convict Prevention Bill?—I presume that they did go there then.

6187. In fact, convicts came in at one end and went out at the other?—The numbers discharged at that period were not very large. I am aware that some went there, but I do not think that they went there in the numbers which were supposed. I made inquiry upon that point when I was at Melbourne, and I could not learn that any great number of men had come from Western Australia.

6188. Did you inquire at Adelaide?—No; I never was in Adelaide.

6189. Is not Adelaide the port to which they would naturally go?—No; I think it is Melbourne.

6190. Did not they pass an express Act at Adelaide to keep them out, on account of the mischief which they had done to the colony?—And so they did I believe at Melbourne. I know that no ships will take them to any of those colonies?

6191. Do you consider that the state of the labour market has

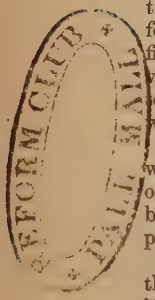
Col. E. Y. W. Henderson, R.E.

19 May 1863.

so changed that the outlet, the necessity of which you so strongly spoke of in 1858–59, is no longer a necessity now?—It is certainly not so much a necessity. A good many persons have come back from the other colonies to Western Australia, and the accounts which they have brought have certainly tended to stop the desire which there was to go to them.

6192. Do you mean a good many persons who had been convicts?—Yes; some had been convicts, and some had not.

6193. I suppose that those who had been convicts were all subject to severe penal consequences by being in those colonies?—No, I believe that where the convicts got ashore they were like other people. I found one man in Melbourne whom they had locked up, but they could find nothing against him and they let him out, and he was then in service, getting 80*l.* a year. His master spoke to me of him in the highest terms, and said that he was the best man that he ever had; his master was, I think, the auditor-general.



6194. Looking to the present state of things, do you think that it would be possible to send 1,000 or more convicts annually, without the outlet given by a conditional pardon?—I think that it might decidedly be done if, as I have said two or three times, the system is made a permanent one.

6195. With respect to the progress of the colony, what prospect is there of any large pastoral or agricultural increase?—In that respect it depends entirely upon what the new country to the northward turns out to be, and upon the success of any explorations which may be made inland. The country to the southward has turned out far better than was expected; there is ample grazing ground for all the cattle which are likely to be required for consumption, and there is a very fair amount for sheep, and a very excellent quantity of land for breeding horses, which, I think, is a far better speculation for the Western Australians than breeding either sheep or cattle.

6196. So far as sheep are concerned the progress of the last 10 years has not been great?—No; the sheep runs are limited in comparison with the other colonies.

6197. The proportional increase is small?—Certainly, as compared with the other colonies.

6198. Do you think that that being the case, other branches of industry would be sufficient to employ a large increase of labour?—Yes. I do not see that sheep are indispensible to the prosperity of an Australian colony. Of course they have always been considered the great stand-by of these colonies, but the breeding of horses in Western Australia ought to be a most profitable speculation.

6199. Do you think that you could employ in horse breeding a considerable number of men?—All those branches of industry, of course, must require to keep up considerable establishments.

6200. Cattle, I believe, are pretty much in the same category as sheep?—The cattle, I think, have increased proportionately more than the sheep. There are some very fine cattle stations, but they have actually stopped breeding from the uncertainty of getting a market.

6201. Then you look to the horse-breeding as a great source of occupation?—I think that the horse-breeding is one of the great stand-by's of the colony; and I would also mention the minerals.

6202. Has any mine been worked at a real profit?—Yes, the mine which has been recently sold in the English market; they sent a very clear and simple statement home of their actual expenditure, and their profits, and the consequence was that it was sold in the English market for 80,000*l.*, and I believe that the country there is literally

one mass of copper and lead. Mr. Hargreaves in his report spoke of it in the highest terms.

6203. Is the Geraldine mine now worked ?—The Geraldine mine has not been worked for some three or four years.

6204. And that was a mine which was spoken of as certain to be very successful ?—Yes, it had a wonderful mass of lead.

6205. It had a considerable number of people employed upon it ?—Yes.

6206. Convicts and others ?—Nearly all convicts.

6207. And yet it failed ?—It was not the fault of the convicts that it failed ; I think it was a fault connected with the management.

6208. How long has the mine which you speak of been worked profitably ?—It has been worked I think since 1858 or 1859.

6209. And it is the only profitable mine as yet known in the colony?—It is the only one which has really made a profit to speak of at all ; there are several other mines which are being worked, but they all want capital, the difficulty is to get capital into the country.

6210. With respect to the timber we have had a good deal of evidence regarding the Jarrah timber ; at one time a considerable number of convicts were employed upon it ?—Yes.

6211. What was the result of those operations ; was it satisfactory ?—Yes, as far as the men were concerned.

6212. Was it satisfactory as far as regards success ?—The fact is that it was just the same story; the two men who went into the business were both hard-working men, but they had no money, they were always drawing against their timber, and raising money at high rates of interest, and they got into some other troubles and they became bankrupt, but it was no fault of the timber or of the colony.

6213. So that with respect both to the copper and the timber, although there was abundance of convict labour, yet those branches of industry failed ?—I can hardly say that they failed ; the principal firm that carried on the timber contract certainly failed, but I do not think that you can say the same of the mines, so far as they have been worked they have answered very well, but of course to work a mine to any advantage you must have a considerable capital ; it is all very well to begin scraping at the surface, you can get good returns till you begin to get down, and then of course you must have money to go on with.

6214. Do you think that there is any prospect of getting any large amount of English capital into the colony ?—They have great hopes, and so have I, that if this mine is really *bonâ fide* worked by the company who have it, and if it succeeds, there will be plenty of capital.

6215. Your hopes depend so far upon experiments which have hitherto been unsuccessful ?—We judge by what is seen in the mine as it is now ; the copper has been sent home and been tested, and reported upon by men sent out from England for the express purpose. Of course mining is a speculation.

6216. (*Lord Naas.*) How are the men generally employed on their discharge in Western Australia; what is the mode of employment which they generally seek ?—They generally, I think, go to the pursuits to which they have been accustomed before they get into prison, or they take anything which they can get.

6217. Do you find that there are many of these men unemployed after their discharge ?—No, very few indeed ; we have had very few of late years; a man there if he is out of work is not allowed to go about seeking it, he is obliged to go to the depôt till he is employed.

Col. E. Y. W. Henderson, R.E.

19 May 1863.

6218. I mean after their ticket of leave has expired, are there many of the conditional-pardon men unemployed?—No, I think very few.

6219. Are there many persons who may be called paupers in the colony?—Very few indeed; I should mention with respect to the conditional pardons that they were never issued except to able-bodied men, those able to support themselves; there was always a medical certificate required of them, and also a certificate of good conduct from a magistrate, and the whole of their antecedents were gone into before the conditional pardon was issued, and if there was anything against them the conditional pardon was suspended, either for a time or altogether.

6220. My question principally applied to the men whose sentences had expired; do they find it difficult to obtain employment?—No, I never heard of it; I am not aware that they ever troubled the Government.

6221. There are of course a great number of them in the colony?—A great number.

6222. What is the average time that the men are employed upon public works before they obtain their ticket of leave?—It varies entirely according to the length of their sentence and the date at which they received that sentence; there are three scales, men sentenced before 1857 and between 1853 and 1857, and subsequently to that I can scarcely give you any particular average.

6223. Do you think that much dissatisfaction would be felt in the colony if men were sent out at such a period of their sentence that it would not be possible to employ them for any length of time upon public works?—I think that it would be a mistake altogether, both for the men themselves and for the colony.

6224. How long do you think that a man ought to be employed on the average upon the public works in the colony, before he gets his ticket of leave, having a view to the requirements of the colony and also to the discipline of the men?—I should say an average of at least 15 to 18 months.

6225. Do you think that that would be sufficient?—I think that it would be sufficient as an average.

6226. (*Chairman.*) I think you stated in one of your reports a minimum of six months?—A minimum of six months as a rule.

6227. (*Lord Naas.*) But still do you think that if all persons who were sent to Western Australia were employed upon the average 18 months upon public works the colony would be perfectly satisfied with the arrangement?—I think so.

6228. How long would you keep them in prison before you put them upon the public works, or would you put them upon the public works as soon as they arrived, provided their length of sentence admitted of it?—We always put them upon public works as soon as they arrive.

6229. Then you would be against anything like an imprisonment in the colony before the men went upon the public works?—Yes, we always send them on the public works immediately they come ashore, it is precisely the same system as is adopted at Portland.

6230. Do you generally find that after the voyage they are strong and healthy and able to work?—I think that generally they work almost better when they first come than they do afterwards.

6231. Is there a great want of females in the colony?—The want has not been much felt hitherto, the Government send out as many female emigrants as the colony ask for, and can conveniently absorb, and hitherto there has been no serious evil arising from a deficiency, but there is a great disparity of the sexes in the colony.

6232. Do you think that if the Government were to send out a larger number of convicts than they have done hitherto, it would also be advisable to promote a certain amount of free female emigration ?—As far as I am aware they are ready to send as many as the colony will absorb or ask for; there has never been any difficulty in that respect, and I presume that with an increased number of convicts the Government would be ready to send an increased number of female emigrants.

6233. You would not I suppose be in favour of sending out female convicts ?—There is a very strong feeling againtst it in the colony and I do not think that they would be willing to receive them.

6234. (*Sir J. Pakington.*) Do you think that six months on public works after the arrival of a convict in the colony (the minimum of which you have spoken) too short a time ?—I think that it is too short, certainly, as an average.

6235. What would you recommend ?—I gave as an average about from 15 to 18 months. I think that six months is too short as a minimum, it takes that time to acclimatize them; they come there with very exalted notions of what they are coming to, and when they are turned adrift almost immediately, they very often go wrong.

6236. Have you employed exclusively the convicts on the public works, or has the Government employed any ticket-of-leave men on the public works?—The ticket-of-leave men were originally sent out to be employed on public works, but that has been discontinued for some years.

6237. I presume that the answer which you have just made refers to men who were sent from England under tickets of leave ?—Yes.

6238. That was not exactly what I intended by my question. I wanted to ask whether convicts who had obtained their tickets of leave in the colony had been subsequently to receiving that licence employed on public works ?—When a man is out of work he is obliged to go to a depôt until he is hired again, and during the time he is in the depôt he is employed on the public works, but he receives no pay, he works for his rations.

6239. As a rule, therefore, the ticket-of-leave men find private employment ?—Quite so.

6240. And that system has not been found open to objection ?—No.

6241. Neither with regard to the interests of the employer nor those of the man ?—Certainly not.

6242. Do you think that any considerable proportion of the convicts who have arrived in Western Australia ever returned to this country ?—I should say certainly not a considerable proportion ; of course some few find their way back, but, as far as I know, I should say that it was a very small proportion.

6243. Do you think that there is amongst the convict class a desire after the expiration of their sentences to return to this country ?—Judging from their letters I should say not.

6244. You think that the majority of them prefer remaining in the colony ?—They prefer remaining in the colony, I should say, to returning to England. I have never seen any great desire to return expressed in any of their letters, and I have seen hundreds and thousands of them.

6245. I understand it to be your decided opinion, from your experience, that any idea which may prevail of a considerable number of convicts finding their way to the other Australian colonies is a misapprehension ?—I am quite sure of it, and especially of late years. The Peninsular and Oriental Company's steamers are the only steamers which run between the colony of Western Australia and the other

Col. E. Y. W. Henderson, R.E.

9 May 1863.

colonies, and they positively refuse to take any conditional-pardon men on board on any account whatever, and the few ships which go from the other ports are afraid to take them, the penalties being so heavy, they will not take them.

6246. How are the captains of those ships to know who is a conditional-pardon man and who is not?—They can only guess, of course. Every ship which leaves the colony is searched by the police officer at Fremantle.

6247. (*Chairman.*) In order to prevent ticket-of-leave men making their escape?—Yes; and the officer knows pretty well whether conditional-pardon men are on board or not.

6248. (*Sir J. Pakington.*) Would it be the duty of that officer in case of his finding a conditional-pardon man on board to give information to the captain?—I should say decidedly that it would be fair to the captain.

6249. You think that practically he would do it?—Practically he would do it.

6250. Irrespectively of that means of discovery, would it not be difficult for captains of ships to ascertain who is a conditional-pardon man and who is not?—It would in some cases, but in general it would be known.

6251. In fact you think that the impediments are such that escape in that way by sea is very difficult?—Yes, I think that as a rule those men have entirely given up going there.

6252. What is your opinion with respect to the possibility of any migration to other colonies by land; do you regard that as impossible?—Utterly.

6253. Physically impossible?—Physically impossible.

6254. Have not there been some few cases of an attempt to do so in which the men have died in the attempt?—A good many men have strayed away into the bush and have died; that applies to all classes of men; but I do not think that there has ever been any attempt made to reach the other colonies by land.

6255. (*Mr. Bouverie.*) What is the distance?—I should say about 1,200 or 1,300 miles overland, a journey which no white man ever made except Governor Eyre who went along the sea beach and almost died in the attempt.

6256. (*Sir J. Pakington.*) Where is that interval of 1,200 miles; is it between Western Australia and South Australia?—Yes.

6257. And that is the nearest colony?—That is the nearest colony.

6258. You spoke of a belt of land which you seemed to regard as a practical limit to the eastern extension of Western Australia, what is the nature of that belt of land?—I has been penetrated I think to the southward for about 250 miles. It is soft lagoon and sand plains, and a belt of acacia thickets which are very difficult to get through, and scattered gum trees, and there is some good pasture land scattered through it; the difficulty has been the want of water.

6259. For the present, and probably for a long time to come, it is practically unavailable land?—It is.

6260. To what extent north and south does that belt prevail?—As I stated before, it hems in the colony, at present it has not been penetrated more than 250 miles from the coast anywhere.

6261. But to the north you seem to think that within reasonable bounds there is hardly any limit to the possible extension of the colony?—I believe from all that I have heard, both from Mr. Gregory and from Sir George Grey, that the north-western part of Australia will make as fine a colony as any of them.

6262. I am speaking now of that portion of the north immediately contiguous to Western Australia ?—Yes; Mr. Gregory reported very favourably of it.

6263. It is your opinion that the colonization and gradual settlement of that district depends in a considerable degree on the introduction of convict labour ?—Of course the introduction of convict labour would be a great inducement, because the colonists would then be always certain of getting a supply of labour.

6264. It would afford the means of doing it ?—Exactly so.

6265. You said, in answer to a question from one honourable member of the Commission, that you thought that 1,000 convicts or more might be safely introduced into Western Australia in each year, can you state to the Commission, with a little more precision, what you consider to be the maximum number of convicts who, looking to the interests of Western Australia, might be prudently sent from this country ?—I think that 1,000 men annually might be sent.

6266. You would not go beyond 1,000 men ?—I think not to begin with.

6267. Not in the present condition of the colony ?—Exactly so.

6268. Supposing the result of the employment of those 1,000 men per annum to be a gradual extension of the colony northwards, I presume it would be your opinion that the number might be safely increased in proportion ?—No doubt of it.

6269. (*Lord Cranworth.*) You said that you thought that the breeding of horses was a good speculation ?—Yes.

6270. How do they dispose of the horses ?—There is an excellent market for them both at Madras and in Calcutta.

6271. They send them across the sea ?—Yes; 100 horses went up in the ship in which I took my passage the other day to Madras.

6272. (*Sir J. Pakington.*) What horses are they; there is no indigenous breed of horses ?—No, they are all imported. Some of the best stock in England have been taken out there.

6273. I suppose that the breed of horses there is entirely from English horses ?—Almost entirely; a few Cape mares were taken there at one time.

6274. And they have done well ?—It is a magnificent country for breeding horses; they have wonderful endurance.

6275. How do these horses answer in India; are they popular there? —The only thing which they require is that they should be broken in. The mistake which has hitherto been made has been in sending unbroken horses; they will not take the trouble there to break them in. The horses which were sent up this year and last year sold at very remunerative prices.

6276. (*Mr. Bouverie.*) At what sort of price ?—I think that one lot was sent up in December last, which arrived at a favourable time, and they sold at prices varying from 60*l.* to 110*l.* and 115*l.* The same horses in Western Australia would have fetched about 28*l.* or 30*l.*

6277. (*Sir J. Pakington.*) What profit did that give to the exporter after the carriage was paid ?—The carriage, I think, costs about 15*l.* You may say that the horse would stand him in about 40*l.* landed.

6278. At what age do they send them out ?—They send them just as they catch them.

6279. They run wild in the plains ?—They run wild in the bush; they hunt them in.

6280. And they breed of their own accord, I suppose ?—Yes, at some breeding stations, of course, they are more careful than at others, but they are not particularly careful.

Col. E. Y. W. Henderson, R.E.

19 May 1863.

6281. Are they for the most part what we should call in this country light well-bred horses?—They are very well-bred horses.

6282. Are there in that part of Australia any of the heavier horses, which are used here for the purpose of draught?—There have been some recently imported, both carriage horses and cart horses.

6283. (*Chairman.*) Are the horses which are sent from Australia to India suitable for artillery purposes?—Very much so. Sir William Denison has been trying to induce the Governor-General to allow him to make a contract to receive so many hundred horses every year from Western Australia at a certain fixed price, and he told me when I was Madras the other day that he hoped the arrangement would be carried out. That would at once give a first-rate market to Western Australia.

6284. Do you think that they can furnish as good horses for the same money from Western Australia to India as from the Cape?—Better, I should say; it is a shorter journey, and from what I have seen of the horses, I think that the Western Australian horses are as fine horses as there are in the world of that sort, or they can be bred there at any rate.

6285. (*Sir J. Pakington.*) Do they run large?—They run large.

6286. (*Lord Naas.*) The Australian horses, I believe, bear a better price in India than the Cape horses?—Yes, some of them bear a very high price indeed.

6287. (*Sir J. Pakington.*) Is the same trade carried on from the other Australian colonies?—No; the voyage from Western Australia can be done in 21 or 22 days; we were only 28 days. A ship from the other colonies came in while I was there, and the horses were in a dreadful state from the length of the voyage, and the freight is nearly three times what it is from Western Australia. It appears to me that they can scarcely export them at a profit from the other colonies.

6288. (*Chairman.*) Is the system of breeding horses in Western Australia merely to let them run out into the bush, after branding them to mark them, until they are old enough to break in?—That is about the system.

6289. So that there is very little expense till they are wanted?—There is a certain amount of expense; you have to fence in paddocks, and to hunt them up occasionally, in order to see what you have got.

6290. (*Mr. Waddington.*) Do you not think that under the present system the convicts obtain their tickets of leave somewhat too soon?—As I stated before, my view always was that with men when they first arrived from England the great thing was to give them every inducement to behave well. I always looked upon it that they were going to form part and parcel of the colony, and the great thing was to give them every inducement to behave properly; and, on the other hand, to treat them with great severity if they did not. The remissions are certainly larger than what they get in England.

6291. The remissions are larger, and in addition to that they may reduce them by one-fourth, as I understand?—No, that is the whole amount of remission, with the exception of the constables; it is fixed on a scale.

6292. It is fixed, but the time fixed is itself shorter, and it may afterwards be abridged one-fourth by their obtaining the average number of marks, namely, three marks a day; is not that so; just look at this scale, which appears to have been sent by Governor Kennedy in 1859?—Of course the time for which they serve on the public works is considerably less than in England.

6293. I am speaking of the time before they receive a ticket of leave?

—In fact in England they do not get a ticket of leave until the same time as they get a conditional pardon in the colony.

6294. Therefore the time in which they get a ticket of leave is much shorter, and short as it is it may be abridged one-fourth, may it not? —Yes; the system on which they are treated is entirely different.

6955. Do you not consider that that time might be advantageously lengthened, that is to say the time before they get their ticket of leave, might not the time at which they get their ticket of leave be made the same as the time at which they now get their conditional pardon?—That would be a very serious matter. I myself think that if the men have made up their minds to behave well the sooner they become part and parcel of the community in which they are going to live and die the better. There is no particular advantage in keeping them a long time in prison.

6296. (*Mr. Bouverie.*) What is the prison accommodation now for the reception of convicts?—The permanent accommodation is for 2,040, I think, but the accommodation which we give them could be increased to any extent simply by sending them on road parties. We could lock up 2,040 men within four walls.

6297. Is there sufficient accommodation for 1,000 convicts a year from this country?—Yes; there would be no difficulty whatever with regard to accommodation, because we should send out as many on road parties as we liked.

6298. (*Mr. Waddington.*) With regard to the diet of the men in the prison in Western Australia, you know probably what the English scale is?—Yes.

6299. How is the diet at the prison at Fremantle?—I think it is rather less than the Portland scale; it is 24 ounces of bread, 14 ounces of meat, and 16 ounces of potatoes. The meat does not run so good as it does in England.

6300. What is about the relative cost of a prisoner per day in Fremantle and in Portland?—I do not think that I could tell you at once, but I made a return in my last report of the whole convict expenditure of the year, and it gave the cost of each man at about 25*l.* a year.

6301. The whole cost?—The whole cost.

6302. (*Chairman.*) Does that include superintendence?—It includes everything—officers, food, police, the magistracy, rewards, and everything.

6303. You mean that, supposing there were 1,000 convicts, the whole expense would be about 25,000*l.*?—Yes.

6304. (*Mr. Waddington.*) You have stated that about 18 months is the time which you think best for the men to be placed upon public works?—I think it a very good average.

6305. What is the shortest time which you think should elapse between receiving a ticket of leave and the expiration of the sentence? —I think that it is a mistake sending men there with very short sentences. We have had a great many lately who have been sentenced to only three years, four years, and five years penal servitude; the consequence is that they become expirees a very few months after their arrival.

6306. What do you think is the shortest time which ought to elapse between the receipt of a ticket of leave and the becoming an expiree? —I think that no men with less sentences than five years as a minimum should be sent there.

6307. (*Chairman.*) You prefer a longer period?—Decidedly.

6308. (*Lord Cranworth.*) Do you mean five years in the colony?—

Col. E. Y. W. Henderson, R.E.

19 May 1863.

No; five years altogether. I think that it is a mistake sending men with only three or four years penal servitude.

6309. What is the minimum sentence which you think ought to be remaining when they arrive in the colony?—Certainly at the very least three to four years, but as a rule I think men sentenced to about 10 or 15 years are the best; then they have plenty of time before they become expirces to settle down, and they become very fair colonists.

6310. (*Mr. Waddington.*) Would it not be desirable that there should be at least four years of the sentence to expire in every case?—At the very least, and I should say that that is too small.

6311. Therefore probably, in your opinion, five years would be about the minimum for the men to pass in the colony?—Five years would be the minimum I should say.

6312. (*Chairman*) When you said that you would not exceed 1,000 men to be sent out to Western Australia in the year, I suppose you did not mean to imply that if it was convenient for various purposes to send more, a larger number might not be employed if proper expense was incurred for the purpose?—There would be no difficulty whatever in employing them.

6313. And in disposing of them afterwards, if a proper expenditure was incurred?—No doubt.

6314. In short, it is a mere question of expense how many the colony can be made to receive?—I should say so.

6315. Mr. Childers asked you as to the failure of certain attempts which had been made to carry on speculations in mining and in the timber trade, which you attributed very much to the deficiency of capital?—Entirely.

6316. Is it your opinion that that deficiency of capital might have have been met from this country if there had been an assurance of a regular and constant supply of convict labour?—They never were pressed for want of labour. I do not think that any of the failures arose from that cause. It was from the fact of men going into the business who really had not the capital to carry it on.

6317. Was not there an obstacle to persons in this country embarking capital in these pursuits, from the uncertainty as to whether a continued supply of convict labour would be available?—I think that the uncertainty which has prevailed with regard to the supply of convict labour has tended very much to prevent persons taking any interest in the colony at all.

6318. And has prevented capital in this country from seeking investment in those trades which are supposed to be profitable?—Precisely so.

6319. You have no reason to doubt that, if that uncertainty were removed, capital would be forthcoming from this country for those purposes?—I think it more than probable.

6320. You have said that ticket-of-leave men are not employed upon public works except when they are unable to find employment for themselves, and that in that case they are returned to the depôts? Precisely so.

6321. I suppose that in the works which have been carried on by the colonial government with colonial funds, ticket-of-leave men have been considerably employed by contractors and others?—Yes, to a very considerable extent.

6322. And as the revenue of the colony increases, and there are larger sums available for the many public works which are wanted, there will be an increasing source of employment in that way?—Precisely.

6323. Already that source of employment is increasing ?—Yes ; the colonial government last year employed a considerable number of ticket-of-leave men.

6324. You consider it, therefore, of great importance that the colonial revenue should not be unduly pressed upon by throwing charges upon it which more properly belong to the mother country ?—I consider it of very great importance.

6325. Is it your opinion that there are other branches of trade which have not yet been attempted, which are likely to arise in Western Australia ?—I think so. It is exceedingly difficult to prophesy with regard to those Australian colonies, for they seem to hang for a long time and then suddenly they start up and go on with a degree of prosperity which nobody could believe. South Australia is a case in point. They never did anything there till they found the Burra Burra mine ; and I believe that the mines in Champion Bay are as good, and better, than the Burra Burra. It is the same with Sydney. Sydney never did anything till they got over the Blue Mountains and found the pasture-land behind them. And there is all the land at the back of Western Australia of which nobody knows anything, and which may be very good.

6326. The mines already known in Western Australia as they become worked will create a market for the agricultural produce raised by other labourers ?—Yes.

6327. And for wine and things of that sort ?—Yes.

6328. I believe that the production of wine is advancing somewhat rapidly ?—Yes, the vine flourishes there very well and they make a very considerable quantity of wine, they get a very good price for it on the spot, and therefore they have not turned their attention of making wine for exportation ; in fact, there the want of capital comes in again —they cannot afford to wait three or four years before they get their money.

6329. But capital is rapidly increasing in the colony, is it not ?—No doubt of it.

6330. And meeting the difficulties ?—Yes.

6331. Is there a prospect of trade with India in food and other articles besides horses ?—I think that a trade in grapes might be carried on with India to great advantage, and also in fish—fish abounds to any extent on the shores of Western Australia, and there is an excellent market for it in the Mauritius. There is an excellent market in India which is almost close upon their doors, and from which they derive great supplies now of tea and other tropical productions.

6332. (*Mr. Henley.*) You said that when the convicts went upon tickets of leave or conditional pardons they generally followed the calling which they had pursued before ?—Yes, I think so. We have had men that were Cornish miners, for instance, they all go up to the mines. Men who have been brought up to agricultural pursuits all go into the rural districts and take service with the farmers. The shoemakers and the tailors remain in the towns. The men who have been clerks go where they can ; unfortunately they can neither dig nor beg, and I think it is a pity that they are sent there at all.

6333. I suppose that those who have been trained to thieving and nothing else do not return to it ?—There is no field for them.

6334. (*Mr. Waddington.*) Do you give the ticket-of-leave men who come back to the depôts from want of employment wages as well as food ?—No, we give them nothing of that kind, we give them a red shirt and a pair of trowsers.

Col. E. Y. W. Henderson, R.E.

19 May 1863.

6335. They do not stay with you very long?—No, they are merely the floating population, they dislike going there very much.

6336. (*Chairman.*) I think that when you gave them 6*d.* a-day, they hung about the depôts?—Yes very much, and we were obliged to put an end to it. You may recollect that at first the ticket-of-leave men were sent there with the understanding that they could not get work, and they were ordered to be employed upon pay, but that has all passed away long ago.

6337. When the penal establishment was first formed there was really no capital in the colony, and we looked entirely at that time to employment under the charge of the Government as the means of disposing of the men?—Entirely so, there was not only no capital but everybody was in debt.

6338. And from that state of things we have arrived at a very much more prosperous state, even though the system has been carried on under great disadvantages from the uncertainty as to its permanence?—Exactly so.

6339. (*Lord Naas.*) Is there any civil disability attaching to an expiree?—When once his sentence has expired he becomes quite free.

6340. Can he serve on juries?—Yes, and a conditional-pardon man can do so.

6341. Can he become a member of the legislature?—He cannot become a member of the legislature as it is now, because the members are all appointed by the Queen, but I presume that when they have elective assemblies he may.

6342. Do they serve on juries?—Practically they do not, the sheriff keeps them out, but theoretically they can, they are eligible.

6343. Have any of them acquired any property?—A good many of them are doing exceedingly well.

6344. In what way?—They become contractors, and they keep stores, and a good many of them go farming; they get a little land and houses of their own, and horses.

6345. And they become stock masters?—Yes.

6346. You said that the average cost of a prisoner, including everything was 25*l.*?—No, our estimates embrace both the prisoners and the ticket-of-leave men, because our estimates include the whole charge of police, and the charge for medical and clerical supervision over the ticket-of-leave men. A considerable portion of the convict estimates is strictly applicable to the ticket-of-leave men.

6347. Does the 25*l.* per man cover that?—Yes; the actual expenditure, I think, was somewhere about 45,000*l.* for the year, and that divided by the average daily number of prisoners and of ticket-of-leave men gave 25*l.* as the actual cost.

6348. (*Lord Cranworth.*) Then the average cost for those who are actually in prison is much more than 25*l.*, because of course the cost in respect of the ticket-of-leave men is much less?—The charge for police and medical and clerical supervision is very considerable, which is principally owing to the ticket-of-leave men.

6349. (*Chairman.*) When the penal establishment was first formed it was arranged that there should be chaplains appointed to look after the convicts, and also that there should be an increase of police, and that a large part of those charges should be undertaken by the mother country?—That is so.

6350. Has that arrangement been adhered to?—It has been strictly adhered to.

6351. The arrangement, I think, was that the chaplains appointed

in the place of the chaplains previously employed should have 300*l.* a year, half to be paid by the colony and half by the mother country ?—They have 200*l.* a year.

6352. Was not it 300*l.*?—No ; I think that there is only one clergyman who gets 300*l.* 200*l.* a year is now the salary paid them. Half is paid from the convict fund and half from the colonial fund.

6353. And you consider that that fairly meets the charge which reasonably belongs to the mother country on account of these convicts ?—I think that it is a very fair division.

6354. (*Mr. Waddington.*) Your great hold upon the ticket-of-leave men, I think, is the special legislation by which a magistrate is enabled to sentence them, without trial by jury, to three years imprisonment ?—Precisely. The Summary Jurisdiction Act is our great stand-by, and the power which the governor has of sending them back to their original sentence of his own will and pleasure, if he thinks fit, revoking their ticket of leave.

6355. (*Lord Naas.*) Supposing that a man is sentenced to three years imprisonment, is there an additional period attached to that three years during which he is under supervision under a ticket of leave ?—When I was in the colony, every man sent back to the establishment served the whole of that sentence ; he was kept under strict supervision in the establishment with no indulgences, and at the end of that time he was put on his old sentence. If I judged that he was unfit to be at large, I simply kept him there.

6356. Do you know the per-centage of those cases ?—I cannot state it at this moment. It is given in all my annual reports. It is small, considering that almost every crime which is committed is found out.

6357. Are those re-convicted men sent out to the road parties ?—When I thought them fit to be sent out of prison, they were sent out on probationary road parties, and were there for a certain number of months, all additional to their sentence ; and if they committed themselves there they were sent back again.

6358. Did you generally keep them separate from the other road parties ?—Always.

6359. (*Mr. Henley.*) Do I rightly understand you that the mother country contributes to or entirely supports the police ?—The Home Government pays two-thirds and the colony one-third.

6360. What proportion does the mother country contribute to the clergy ?—One-half.

6361. Have the detected as well as the undetected part of the community the benefit of the police and the clergy ?—They all have whatever benefit they can get from the presence of the police.

6362. And of the clergy also ?—Precisely.

6363. (*Mr. Waddington.*) Does the system of appointing prisoners as constables still continue ?—It does, and I think that it is attended with a good deal of advantage.

6364. Will you explain what you think the advantages of that system are ?—It answers more or less to what it is the fashion to call the intermediate system, the men are placed in a certain position of trust and responsibility and they get considerable remissions if they behave well, but they get very severe punishment if they do not ; they are very excellent assistants to the warders so long as they are themselves under supervision, I never trusted them by themselves ; for instance, in taking a party of 30 men into the bush to make a road you send one warder and a constable with him to assist him ; the constable would keep watch at night, it saves another officer, and that represents 100*l.* a year, and we found that it answered remarkably well.

Col. E. Y. W. Henderson R.E.

19 May 1863.

6365. You selected them from prisoners whom you considered particularly qualified ?—Precisely, there was always a very careful selection.

6366. They were men of excellent character, and very resolute men, I suppose ?—Yes it is precisely the same system as is pursued on board convict ships; they are found of immense use there when they are well selected, and of course it is looked forward to as a great prize among the men; all those little things are great adjuncts in dealing with that class of men.

6367. It is a great prize because it enables them to get five marks a day, does it not ?—They get four marks, five marks, and six marks, according to which of the three classes they are in; there are three classes of constables.

6368. (*Lord Cranworth.*) They may get double what those who are not constables get ?—Yes, they were only appointed towards the close of their probation, they had served half their time.

6369. (*Mr. Waddington.*) There is, I understand, no conduct which can diminish the time between obtaining a ticket of leave and obtaining a conditional pardon ?—No.

6370. That is a fixture ?—That is a fixture, but it may be indefinitely prolonged by misconduct.

6371. Can you suggest anything to improve the present system upon any point which has not been put to you in examination ?—No, I think that I have given all the information which I can furnish to the commission.

6372. (*Chairman.*) Was there an address presented to you from the free population, and another from the bond population, on your leaving the colony ?—There were.

6373. Will you deliver in those addresses ?

The witness delivered in the same which are as follows:—

To Lieut.-Colonel Henderson, Royal Engineers, late Comptroller-General, Western Australia.

Sir, Fremantle, Western Australia, February 3, 1863.

We, the undersigned, cannot permit you to depart from amongst us without conveying to you our expressions of esteem, and our hearty testimony to the success which has attended your official administration of the convict department in this colony.

It is now within a few months of 13 years since you landed, with the first shipment of convicts on these shores, commissioned by Her Majesty's Government to carry into practice, on an enlarged scale, a system of convict discipline and management, based, as experience has shown, upon sound and philanthropic principles. In the initiation of this system in Western Australia, and in the organization of the multifarious details requisite to insure success, you encountered, in a totally unprepared field, many difficulties calling for much tact, energy, and perseverance to overcome, and you overcame them effectually.

It cannot but be gratifying to those yet living who promoted the existing system to learn how well their benevolent expectations have been realized in Western Australia, and in future years it will be a pleasing retrospect to yourself to look back on the period during which you co-operated towards such realization. It must further add to your gratification to know that your endeavours for the welfare of those once under your supervision have been always appreciated, and will ever be gratefully remembered by them, as thereunto is owing the progress so many have since made in moral and social improvement. The comparative absence of crime, and the feeling existing among the public at large of safety and confidence, equal to that existing in the most favoured colony of Her Majesty's dominions, are yet further proofs of the soundness of the system it was your mission here to establish.

In wishing you farewell it is our sincere hope and trust that your future

career, in whatever part of the British empire you may be appointed to, may be as successful as it has been in Western Australia, and that under the blessings of an All-wise Providence you may with your amiable lady and family long enjoy health, comfort, and happiness. *Col. E. Y. W. Henderson, R.E.*

19 May 1863.

(Signed by 110 persons.)

To Lieut.-Colonel E. Y. W. Henderson, R.E., late Comptroller-General of Convicts, Western Australia.

SIR, Fremantle, February 5, 1863.

ON behalf of that section of the community over whose movements and interests you were appointed to preside, we, the undersigned, beg respectfully to present to you our grateful acknowledgments of the christian-like manner, the kindness and forbearance, with which you have administered for 13 years a system which has had for its object the reformation and permanent restoration to society of those who have for a time placed themselves beyond its pale.

We have no costly testimonial to present you with on leaving us, but the blessings of many will follow you, and we trust that the patient solicitude evinced in the labour of many years for the welfare of England's erring children will not be forgotten.

Expressions of gratitude are all that we can offer.

In conclusion, we beg you to accept the hearty good wishes of the whole of our brethren for the happiness of yourself and family, in time and in eternity, and with feelings of the deepest respect and esteem

We subscribe ourselves your most obedient servants.

(Signed by 45 persons.)

The witness withdrew.

MY LORD, London, May 20.

SINCE giving my evidence yesterday before the Royal Commission it has occurred to me that I ought to have stated in answer to questions relative to the exodus of convicts from West Australia to the eastern colonies, that every person leaving Western Australia for any of the other Australian colonies is obliged to provide himself with a certificate showing that he is a free man, both for his own protection—as the *onus probandi* is thrown, I believe, upon him, on his arrival, and for that of the master of the vessel. The certificate is granted, after proper inquiry, by the police magistrate, and I am sure I can answer for the Government of which I was so long a member, that if any further security against men under sentence leaving for the eastern colonies is required, it will be ready to take the necessary steps.

Practically the migration eastwards has really ceased, and we never had any wish to embroil ourselves with the other Governments by facilitating the departure of the convicts sent to the colony. I regret that I omitted to state thus much yesterday, and as I fear it is too late to insert in my evidence, I trust I have not erred in communicating it to your lordship.

I have the honour, &c.

(Signed) E. Y. W. HENDERSON.

Dean POWNALL examined. *Dean Pownall.*

6374. (*Chairman.*) You are Dean of Perth in Western Australia?—Yes.

6375. How long have you been in the colony?—I left England 11 years ago. I was in the colony altogether 10½ years.

6376. You have therefore seen the whole process of the formation of the penal establishment and the results of it?—The convict establishment had been formed about a year and a half when I arrived.

6377. From your experience of the colony as a clergyman, what is your opinion of the general conduct and character of the convicts who

Dean Pownall.

19 May 1863.

have been sent to that colony?—I think that it is very superior to anything which could have been expected from such men in England; of course there has been a great deal which I have regretted to see, but on the whole I think I may speak of the reformation in outward moral conduct as being very general amongst the men.

6378. Whether they have been changed in heart or not, their outward conduct has been conformable to the rules of propriety?—Yes; I limit my remark to their outward conduct and character.

6379. Do you think that the penal establishment has had any injurious moral effect upon the free colonists?—No, I have no reason to suppose so. I had fears that it might be so, but I think I may safely say that on the whole I have not seen any reason to think that it has had such an effect.

6380. You do not think that the tone of society has been at all demoralized by sending convicts to that colony?—No.

6381. Do you think that there is a sufficient number of chaplains employed to look after the convicts subsequently to their discharge?—I think that there is a great want of some itinerant chaplain who might go to the road parties and other convict stations which are not within the limits of any chaplain's district at present.

6382. The convicts upon ticket of leave are so much mixed with the other population that the chaplains of course must attend to both?—Yes.

6383. The salaries of those chaplains have been reduced lately, have they not?—Not lately. The original proposition, when it was decided to send out chaplains to the colony on account of the ticket-of-leave population, was to give them 300*l.* a year, 150*l.* from the imperial and 150*l.* from the colonial funds, but it was subsequently reduced to 200*l.*, and that is all that they have at present.

6384. Do you think that 200*l.* is sufficient to maintain a clergyman in a suitable position?—Certainly not, if he has a family.

6385. (*Lord Naas.*) When was the amount altered?—It was altered immediately on Sir John Pakington coming into office; that was in the year 1852. It was altered previously to my going out. I went out on 200*l.* I was a bachelor then and found it sufficient, but I could not have lived upon it as a married man.

6386. (*Chairman.*) I believe you find that the colonists generally feel perfectly secure, and that there is not the least apprehension from convicts?—Most remarkably so. As an example, I may mention a house door having no lock upon it where the lady who kept the house was surrounded by convicts.

6387. She had no lock to her door?—When Governor Kennedy stayed at her house he thought it necessary to lock the front door, and found that there was no lock. She had only convict labourers on her large estate; she looked after the estate with the assistance of a convict overseer, and with none but men of the convict class employed.

6388. She had no person who had gone out as a free settler?—No; her son was there, but he was quite a young man, and was unable to exercise any control over them.

6389. I think you also informed me that this lady's farm had been a very unprofitable one until convicts were sent to the colony, and that since that time it has become gradually more profitable?—Yes; it would have been quite impossible for her to have cultivated the land without convict labour.

6390. (*Mr. Waddington.*) How do you find the men as to sobriety—Drink is their great temptation, and if anything could be done to bac

Governor Kennedy's efforts to put down public-houses it would be a very great boon in the colony. The two great requirements now I think are, some limit to the sale of spirituous liquors, and the opening of savings banks in the different districts. When I was colonial chaplain at York, which is one of the rural districts there, I frequently had the men come to me with their year's savings and ask me to take charge of them for them, because they said, "If you will not take charge of this "money we must put it in the hands either of the storekeepers or of "the public-house keepers; in the former case we shall never see a "sixpence of it, they will only let us take it out in goods which we do "not want at an extravagant price; and, in the other case, we shall have "to stop at the public-house until we have drunk away the money. I used to be obliged to decline, for my own house was very insecure, it had nothing but calico windows at the time, and if any persons had known of my having money there it would have been a temptation which it would have been almost unfair to put in their way. The commissariat officer to whom I applied told me that it was against their rules to take charge of any money of that sort, and therefore I had to decline the offer of these men. The consequence was that they had a spree at the public-house for a week or so, and a shepherd who came in on Monday morning with 20*l.* or 30*l.* in his pocket, in about 10 days had nothing left.

6391. (*Chairman.*) You think that if savings banks were formed many of those men would accumulate capital, and establish themselves in a higher position in life ?—Decidedly so.

6392. It would both prevent a great source of moral deterioration, and also enable a more rapid accumulation of capital for the improvement of the colony ?—Quite so.

6393. (*Lord Cranworth.*) Is there not a bank in Perth ?—There is one in Perth, but these shepherds scarcely ever get into Perth ; they go to townships like York and Newcastle.

6394. (*Chairman.*) Would there be any difficulty, in your opinion, in organizing an arrangement by which the officers of the convict department should take charge of the money given them by convicts in much the same manner as is done by the post office banks in this country, and then putting it into some bank in Perth ?—I think that there might perhaps be some suspicion on the part of the men themselves if the money was paid to any convict officer.

6395. Do you think that local savings banks could be established through the magistracy ?—Yes, I should fancy so, through the resident magistrates in each district. Some clerk in the resident magistrate's office would probably be able to manage a bank of that sort.

6396. (*Lord Cranworth.*) Is there post-office communication from Perth to the different districts ?—Yes.

6397. Could not arrangements be made that the money should be transmitted to the bank at Perth through the agency of the post office? —Yes, but the post is only a weekly post, and it would of course be necessary to open the bank only on the evening previous to the post leaving, unless there was some secure place for the money to be deposited. I believe that one of the reasons of the success which has resulted in Western Australia, so far as the moral character of the men is concerned is the absence of temptation to them. We always take peculiar precautions against putting temptation in their way. It is generally known amongst them that we never carry money about with us, or have it in our houses.

6398. (*Mr. Waddington.*) What is the currency there ? — The English currency, but we make all our payments in cheques. If you

Dean Pownall.

19 May 1863.

go for an excursion up the country, you take your cheque-book with you, and make your payments, even for so small a sum as 1*l.*, or even less, by a cheque on the Western Australian Bank.

6399. Is there any difference between the conduct of the ticket-of-leave men and of those whose sentence has expired, and who are not under any control?—The conduct of the ticket-of-leave men certainly is very superior to that of either conditional-pardon men or expirees. I think that one of the great drawbacks is the conditional-pardon system.

6400. You have no doubt that the fear of immediate punishment upon any breach of regulation or misconduct has a great effect?—Yes. What reformation I have noticed amongst them I attribute principally to three causes—first, the absence of temptation, there being so little in our houses worth taking away, and so little about our persons that they expect to get from us; secondly, the wide dispersion of the men, they do not congregate and corrupt each other; and, thirdly, I think that that climate itself has a good effect upon them in taking the fierceness and pugnacity out of men of savage character here. There are no fierce attacks upon each other.

6401. They do not quarrel with each other, and commit violent assaults?—No, I have noticed the same even amongst the lads; they scarcely ever fight with each other.

6402. (*Chairman.*) The heat of the climate, I suppose, has rather a depressing effect?—"Depressing" is scarcely the word for it. I do not know what word to choose, but there is certainly a mildness of character which you see in the native population, and I think that the same thing gradually shows itself in the Europeans who are there. There is less readiness to attack, or to give blow for blow, than there would be in England.

6403. (*Lord Naas.*) Have the wives of the convicts followed them out in any numbers?—A good number have done so, but we frequently find, when we write home to them to come out, that they have considered the sentence of transportation tantamount to a sentence of divorce, and that they have formed other connexions in England, and are unwilling to come. The men are almost universally anxious for their wives and families to follow them.

6404. And they often send home applications to them?—Constantly; application has often been made to me to write to their families and friends to see about their being sent out as free emigrants.

6405. (*Mr. Waddington.*) Would there be any objection to a ticket-of-leave man having his wife out if his friends in England would send her out; would she be allowed to come?—Yes, but not till he gets his ticket of leave, and meanwhile she has formed some fresh connexion.

6406. (*Chairman.*) The wives are sent at the expense of the Government when they are applied for, are they not?—I never had to make the arrangements, but I think it is so.

6407. (*Lord Naas.*) There is a great disparity of the sexes, of course?—Yes.

6408. What is the conduct generally, as a class, of the women who go out?—The emigrant girls have generally conducted themselves very well. We had one lot who were proverbial for bad conduct; they came in a ship called the "Emma Eugenia;" they were sent out from workhouses in England, and a great many were from St. Giles's and St. George's, Bloomsbury; they were altogether a hopeless lot. Knowing their character I did my best to look after them, and I persuaded a great many of them to marry soon after they got there, but scarcely any of them continued to live with their husbands.

6409. Is there any benevolent institution in Western Australia which receives and looks after female emigrants on their arrival ?—They are received into a governmental depôt till they are hired, and there they are visited by the ladies of the place, who look after them as well as they can, and give them what advice they require,

6410. Do the well-conducted girls generally marry soon after they arrive ?—Yes, they can reckon upon it. There are always men waiting till the ship arrives, and they do their best to obtain admission to the depôt as soon as possible.

6411. Then I suppose that there are very few well-conducted women in the colony who are not married ?—Some are fastidious and do not like marrying men of that class, but all may marry if they like, undoubtedly.

The witness withdrew.

Adjourned.

REFORM CLUB
PALL MALL

INDEX TO THE EVIDENCE.

Acquittals, proportion of, to convictions, in Ireland, *Crofton*, 3547, 3548.

Addresses presented to witness on his leaving Western Australia, *Henderson*, 6373.

Adjudication of Offences committed in prison, *Measor*, 5787, 5788.

Agriculture: Agricultural Labour: Agricultural Labourers:
Agriculture in Western Australia, *Sanford*, 2789–2807. Agricultural labour favourable to classification of prisoners, *Gambier*, 4317–4320. The diet of agricultural labourers far short of that of the Portland prisoners; agricultural labourers are hard-working men, and prisoners are not, *Guy*, 3042–3045.

Anti-Convict Act. *See* Extradition Act.

Assaults upon Officers:
Flogging would be inflicted for, *O'Brien*, 2068. Comparatively less in number in "close prisons" than in public works prisons, *ib.*, 2298. Cases of, how punished; corporal punishment should be inflicted for, *Gambier*, 4048–4051. Periodical occurrence of assaults upon warders in the public works prisons, *ib.*, 4120, 4121. For assaults on warders a more prompt punishment than as now is desirable, *Measor*, 5652–5655.

Association of Prisoners:
Evils of, *Jebb*, 292; separate confinement before discharge, unless for a long period, would hardly break them up, *ib.*, 294. By day and night, in the intermediate prisons, objectionable, *ib.*, 884–886. The exhibition of, might facilitate the obtaining employment by the men afterwards, but punishment loses its deterring effect under such an aspect, *ib.*, 892. Very prejudicial during latter part of imprisonment, *Davis*, 1936. Answer to the objections against the system of; soundness of the principle confirmed, *Crofton*, 3264. In the intermediate stage in Ireland, no evil arisen from, *ib.*, 3480. At Brixton prison, *Moran*, 4758, 4759.

Australia, Western. *See* Western Australia.

Avory, John, Esq. (*Analysis of his evidence*):
Clerk of arraigns at the Central Criminal Court, and deputy clerk of assize on the Home Circuit, 1900, 1901. Has been engaged on the Home Circuit since 1843, and at the Central Criminal Court since 1840, in various capacities, 1902. The severity of punishments has generally and steadily decreased during the last 20 years, 1903–1905. The change that took place in 1857 did not check the decrease in the severity of penal-servitude sentences; states the number convicted and sentenced to penal servitude throughout the kingdom from 1857 till 1861; 1862 is not included, as the Judicial Statistics do not show how many were liable to penal servitude, 1906–1909. The sentences passed for similar offences vary very much, particularly for offences under the game laws, 1910–1914. There have been cases where prisoners who have been previously convicted have received a lighter sentence on the later conviction than on the first, but this may arise from various circumstances, 1915–1917.

Bad Weather:
Convicts relieved from out-door labour in, reasons for so doing, *Jebb*, 717, 718. Employment of convicts in, *ib.*, 719. Difficulty of employing convicts in, *Evans*, 6091.

Badges:
A "clean badge" is necessary before a convict can be advanced a stage, *Jebb*, 385. The classification of badges apparently complicated, but well understood by the men, *ib.*, 391. Men obtaining badges for good conduct entitled to gratuities, *O'Brien*, 2059. Men having badges for good conduct are not often punished, *ib.*, 2064.

Baly, Dr., consulted as to diet to be established at Portland, *Jebb*, 541, 542. Opinion of, as to prison diet, *Gambier*, 4155.

Barracks built by convict labour at Spike Island, *Whitty*, 3775.

Belgium: in prisons built after the model of Pentonville the Roman Catholic service is performed in the central corridor; such a plan would not do here, *Jebb*, 272–274.

Béranger, opinion of, as to the evil effects of supervision of criminals by the police, *Jebb*, 805; *Moran*, 4829.

Bermuda:
Of no value as a place of transportation, *Mayne*, 1705. Removal of men from, to Western Australia, *Gambier*, 4020–4025. Convicts at, kept in hulks; under severe discipline, *ib.*, 4030–4032. Men from, as they come home, are sent to Chatham, *ib.*, 4394. Bad character of convicts sent home from, *Measor*, 5560, 5561.

Birching:
The most judicious method of treating prisoners who deserve flogging, *O'Brien*, 2067, 2198. Boys in Scotland are birched on their posteriors, *Smith*, 5151.

Bishop of Perth, reference to letters of, complaining of the arrangements made in a convict ship for carrying out prisoners to Western Australia, *Jebb*, 749–755.

Blue-dress prisoners at Millbank, *O'Brien*, 2011–2013. Their diet, *ib.*, 2043.

Body Belt, use of, at Dartmoor, *Gambier*, 3977–3982.

Books allowed to prisoners at Millbank prison, *O'Brien*, 2098–2100.

Boon: transportation generally regarded by the prisoners as a boon, *Jebb*, 779–790.

Bramwell, Mr. Baron, diminution of robberies with violence after cases tried before *Mayne*, 1825–1838.

Branding:
Of convicts, as done in France, would be a mode of insuring recognition, but there is a feeling against it in this country, *Waddington*, 463–465. Of deserters and bad characters in the army, *Tidy* and *Crawford*, 4918–4944. Prisoners should be marked after second sentence to penal servitude, *Weatherhead*, 5226–5229. Re-committed convicts should be branded, *Measor*, 5569.

Bread:
Brown bread should be used in prisons instead of white; the wheat should be ground in the prison, *Guy*, 3054–3057. Quality of, used in Scotch prisons for punishment diet, *Smith*, 4975, 4976.

Bread and Water:
Punishment of, in Millbank prison, *O'Brien*, 2070–2079. Could not be long continued without detriment to the health of female prisoners, *ib.*, 2180. More dreaded by some prisoners than flogging, *ib.*, 2208, 2209. Confinement on, the punishment for assaults on officers, *Gambier*, 4049. A very deterring punishment, if enforced for a given length of time, *ib.*, 4272–4277. As a punishment is disliked by convicts, *Smith*, 5005. Prisoners concerned in the outbreak at Chatham were put on, *Measor*, 5539–5542.

Bricklayers' Work, charge for, at Chatham prison, *Macdonnell*, 5942.

Brickmakers, price of work of, done by convicts too highly estimated, *Macdonnell*, 5935–5938; at Chatham, *Evans*, 6084.

Brixton Prison:
Difference in treatment of females at, and at Fulham Refuge, *Jebb*, 653–665. Number of female prisoners at, their diet, treatment, and punishments, *O'Brien*, 2123–2129. Hours of duty of female warders at, *ib.*, 2223–2230. Nothing like complete reformation takes place in even the better portion of female prisoners while there, *ib.*, 2247. Duties of chaplain at, *Moran*, 4756. Number of prisoners at, *ib.*, 4757. Prisoners at, partly in association, partly in separation, *ib.*, 4758. Classification of prisoners in, more with regard to individual character, the prisoners are divided into two classes, distinguished by dress, *ib.*, 4760, 4761. Diet at, *ib.*, 4762. Gratuities to convicts and nature of employment at, *ib.*, 4767, 4768. Two lady scripture readers, and other ladies, attend at the prison, *ib.*, 4770, 4771. Lamentable state of education of prisoners on entering, *ib.*, 4771–4778. Large proportion of prisoners in, have been re-convicted, *ib.*, 4779. Many have been prostitutes, *ib.*, 4785. Young women most difficult to deal with, *ib.*, 4786. Number of prisoners returned to, on revocation of licence, since 1853, *ib.*, 4796. Proportion of officers to prisoners in, *ib.*, 4808. Officers in, decidedly overworked and frequently ill, *ib.*, 4809, 4810. More officers would be a great advantage, *ib.*, 4812. Most of the female prisoners are discharged at, *ib.*, 4831. Morning and evening service in, *ib.*, 4855. Evening service of great use to the women, *ib.*, 4856. Prisoners in, not visited by chaplain in their cells, *ib.*, 4861.

Broadmoor:
Employment of convicts at, *Jebb*, 680. Principle of selection for the men employed at; nature of the work done there; less proportion of warders at, *Jebb*, 903–907, 911–913. Facilities of escape from, *ib.*, 908. Not an entry in defaulters' book at, *ib.*, 909. Asylum for lunatic criminals building at, *Gambier*, 3969.

Buildings, inefficient state of, at Spike Island, *Crofton*, 3219–3229.

Burglary, increase of, in 1862, *Mayne*, 1514.

Capital, want of, the cause of failures of speculations in Western Australia, *Henderson*, 6209, 6212, 6316.

Cardiff, correspondence with, concerning a convict calling himself William Jones, *Whitty*, 4898–4902.

Carpenters' work, charge for, at Chatham prison, *Macdonnell*, 5941.

Cattle-breeding, limited in Western Australia, *Henderson*, 6200.

Cells:
Arrangement of, at Chatham, inefficient, *Gambier*, 4127–4133. Better at Portland, Dartmoor, Woking, and Portsmouth, *ib.*, 4134. At Chatham, description of, *Measor*, 5421. Doors of, at Millbank, left open, during one period of the separate confinement, *Measor*, 5749–5752; supposed to have been on medical grounds, *ib.*, 5799.

Chapel:
There are no divisions now in chapel, with regard to separate confinement, *Jebb*, 262–267. Attendance at, in the evening might be dispensed with advantageously, *Powell*, 1314. Not desirable to dispense with both attendances at, *ib.*, 1316. Attendance of female prisoners at, at Brixton, *O'Brien*, 2147, 2148. Daily evening service in, most objectionable, *Gambier*, 4172, 4173, 4321; the prisoners attend it with the reverse of reverence, *ib.*, 4231, 4232; rather mischievous than otherwise, *ib.*, 4384. Evening chapel service at Portland of great value, *Whitty*, 4485. Continuance of evening service in, a matter of expediency, *Measor*, 5497. Better for the men to be at, than doing nothing; too many set services have an injurious tendency, *ib.*, 5682, 5683.

Chaplains:
Each prisoner at Brixton visited by, once in each week, *Moran*, 4756. Cannot visit prisoners in their cells at Brixton prison unless a female attendant be present, *ib.*, 4861. A sufficient number should be appointed, so that prisoners could be visited individually, *ib.*, 4864. Do not much interfere with secular instruction; do not visit prisoners in their cells; unadvisable to do so, *Measor*, 5658–5661. Should have greater facilities for visiting the convicts, *ib.*, 5663. Ought not to have power to dispose of temporal rewards; should be confined entirely to religious teaching, *ib.*, 5769. Arrangements respecting, in Western Australia; their salaries, *Henderson*, 6349–6353. An itinerant chaplain wanted at Western Australia, *Pownall*, 6381. Salaries of, not sufficient to maintain a family, *ib.*, 6383, 6384.

Chatham: Chatham Prison:
Prisoners dine in their cells at, *Jebb*, 290. Discipline and labour at, similar to that at Portland, *ib.*, 571. Outbreak at, in 1861, *ib.*, 569–573, 582–585. Prison at, opened in order that the hulks might be done away with, *ib.*, 574. Punishment of the ringleaders of the outbreak at, *ib.*, 591, 592. Discipline, routine, and accommodation of, *Powell*, 957–976. Nature of employment, and number and strength of working parties, *ib.*, 977–983. Number of superior and discipline officers employed, *ib.*, 986–991. Cooking done entirely by prisoners, *ib.*, 992. Gratuities to warders at, and conditions of granting them, *ib.*, 1001. Working parties at, visited daily by deputy governor, *ib.*, 1006. Method of keeping account of work done by each prisoner, *ib.*, 1007–1010. System pursued at, as to registration of prisoners' conduct and industry, and the relaxations allowed, *ib.*, 1018–1044. Time for work at, *ib.*, 1052, 1093, 1254, 1258. Diet at, and time allowed for dinner, *ib.*, 1062–1069, 1086. Prisoners in chapel at, see each other, *ib.*, 1100. Diet at supper, *ib.*, 1111–1116. Prisoners' bedtime at, *ib.*, 1126. The cells at, are lighted by candles, the corridors with gas, *ib.*, 1128, 1137. Work upon which prisoners are employed at, *ib.*, 1149–1164. Chaplain's department at, *ib.*, 1170. Health of prisoners at, *ib.*, 1198, 1199. Present discipline at, satisfactory, *ib.*, 1201. Nature and causes of the outbreak at, *ib.* 1201–1212. Number and character of, and punishment inflicted on, prisoners concerned in the mutiny, *ib.*, 1220–1224, 1233. Punishment for prison offences at, *ib.*, 1243–1245. Diet is sufficient, not too much, *ib.*, 1246. Communication between the prisoners at exercise

Chatham: Chatham Prison—*cont.*
on Sundays has been prevented since the outbreak, *ib.*, 1289. Diet at, the same as at Portland, *ib.*, 1300. A director attends at, once a month, and oftener if sent for, *ib.*, 1393, 1394. Conduct of prisoners at, generally satisfactory, *Turner*, 1476. Diet at, not too liberal, *ib.*, 1491. Weekly total of diet at, *Guy*, 2988. Opinion, with reasons, that the supposed cause of the mutiny at Chatham was not the true one, *Crofton*, 3217. Prisoners at, are industrious and well-behaved, *Gambier*, 3936. Civil guard, *ib.*, 3940–3943. Arrangement of cells at, inefficient, *ib.*, 4127–4133. Nature and estimation of labour at, *ib.*, 4182–4198. Hours of labour at, *ib.*, 4216–4218. Punishment for idleness at, *ib.*, 4361–4365. Class of convicts in prison at the time of the outbreak, *ib.*, 4394–4396. Measures taken in consequence of the outbreak in, *Measor*, 5415–5422. Description of cells at, *ib.*, 5421. Pamphlet published by witness on the defects of the system pursued at, *ib.*, 5423 *et seq.* Dockyard labour by convicts at, objectionable; no effective supervision can be exercised over it, *ib.*, 5457–5460. Staff of schoolmasters at, *ib.*, 5480. Discipline at, before the outbreak, not satisfactory; outbreak not to be attributed to any change of discipline, *ib.*, 5520–5526. The prison might be so subdivided as to break up the convicts into smaller bodies to great advantage, *ib.*, 5631. Characters of warders at, at the time of the outbreak, *ib.*, 5691. Numbers of warders at, dismissed; their offences, *ib.*, 5705–5708. Symptoms and warning of the outbreak at, *ib.*, 5776–5781. Nature of the work performed by convicts at, *Macdonnell*, 5867 *et seq.* Free labourers at, on St. Mary's Island, their labour and wages, *ib.*, 5915–5923, 5935. Report on works at, *Evans*, 6080–6084. Duties of warders and officers at, very arduous, *ib.*, 6085. Comparison of convicts' labour at, with free labourers', *ib.*, 6091, 6092.

Character:
Of the warders at Chatham at the time of the outbreak, *Measor*, 5691–5704. Of men selected for transportation, *ib.*, 5736–5742. Of the schooling that should be given to convicts, *ib.*, 5763–5769. Of convicts can be tested by an efficient prison system, *ib.*, 5822–5829.

Civil Guard, constitution and number of, at the different public works prisons, *Gambier*, 3940–3943.

Classes, separation into, of prisoners, to prevent communication, *Gambier*, 4140–4143.

Classification:
Of badges and stages apparently complicated, but well understood by the men, *Jebb*, 391. Deficient, in Irish prisons; re-adjustment of, *Crofton*, 3150, 3151. Of prisoners at Spike Island prison governed by the marks obtained, *ib.*, 3173. To the minute classification of the men is attributed the power of doing away with flogging, *ib.*, 3189. As at Spike Island, helps the labour in prisons for public works; does not interfere with discipline; can be made with moderate accommodation, *Whitty*, 3688–3694. Non-success in establishing classification of prisoners, while hard labour is expected from them, *Gambier*, 4303. More practicable in agricultural labour, *ib.*, 4317–4320. Evils arising from want of power of, *ib.*, 4351–4354. Breaking up the convicts into smaller classes desirable, for the better managing them, *Measor*, 5630–5634. For evening school instruction also desirable, *ib.*, 5644.

Climate, effect of, in Western Australia, *Henderson*, 6130. *Pownall*, 6402.

Clothing of all kinds for the public prisons is made at Millbank, Pentonville, and Brixton, *O'Brien*, 2057, 2058.

Colonies:
Exceptions to the classes of men suffered to be transported to Western Australia, *Jebb*, 775. Transportation to, generally regarded as a boon by the men, *ib.*, 779–790. Power of removal of convicts to, retained in 1857, on willingness of colony to receive them, *ib.*, 796.

Committee of H. C., recommendation of, for more strictly enforcing the conditions of licences granted to convicts, and reporting of licencees to police, has not been acted upon, *Everest*, 200–205.

Comparison:
Of convicts' work to that of free labourers, *Macdonnell*, 5871–5880, 5901. Manner in which witness made his comparison, *ib.*, 5928–5932. Of labour of convicts and free labourers at Chatham, *Evans*, 6091, 6092.

Conditional Pardons:
The granting of, a great mistake, *Kennedy*, 2400, 2401. Circumstances under which they are granted, and condition attached, *ib.*, 2457–2460. Should be

Conditional Pardons—*cont.*
abolished, *ib.*, 2658. Conditional-pardon men often levy black mail on respectable ticket-of-leave holders, *ib.*, 2401; they may sit on juries, but are practically excluded, and should be excluded by law, *ib.*, 2655–2657. No advantage would ensue from abolition of, *Du Cane*, 2728. Partial inutility of; inexpediency of entirely suspending, *Henderson*, 6134, 6135, 6173.

Conditional-pardon men, number of, quitted Western Australia, *Henderson*, 6177–6183. Hindrances to, leaving the colony, *ib.*, 6245.

Conditions:
Endorsed on tickets of leave; which carried out, and which neglected; reasons for such neglect, *Waddington*, 424, 425. Consumption common among convicts, *Gambier*, 3957. Contingent punishments, *i. e.*, punishments the consequence of prisoners' own actions, preferable in certain cases; should be made legal, *Guy*, 3136, 3137.

Conduct, Good:
Of released convicts in Western Australia, *Henderson*, 6218; of convicts in Western Australia, *Pownall*, 6377, 6399–6401; of female emigrants, *ib.*, 6408.

Convicts:
Offending with cruelty or violence, should be flogged, *Jebb*, 836–838. Suggestion for greater severity in treating re-convicted criminals, *ib.*, 843, 844. Average daily number of, employed at Portland, and the gross value of their labour, *ib.*, 852–856, 864. The men actually employed earn the entire cost of their maintenance, *ib.*, 856. Gratuities to, diminish effect of sentences, *Mayne*, 1597. Released in London are sent to Millbank, and are there seen by the police and registered, *ib.*, 1620. Treatment of, in prison should be more severe, *ib.*, 1667. Present treatment of, inconsistent with their condition, *ib.*, 1667. Privilege of correspondence allowed to, should be taken away or made part of remission, *ib.*, 1670, 1671. Employment of, in dockyards injurious, *ib.*, 1673. Marking of, would be effectual, *ib.*, 1715. Whipping of, should be resorted to, *ib.*, 1721. Employment of, on public works objectionable, *ib.*, 1801. Police could not undertake to seek employment for discharged, *ib.*. 1816. Have better food than labouring men, *Davis*, 1940. Diet of, in Newgate, *ib.*, 1941–1944. Surveillance of, by the police would generally prevent their getting employment, *ib.*, 1971.

System of management in Western Australia, *Kennedy*, 2336–2355. Gratuities to, do mischief instead of good, *ib.*, 2379. The uncertainty of the continuance of sending convicts to Western Australia militates against the success of the colony, *ib.*, 2545. More desired in Western Australia, *ib.*, 2571. Confined to certain districts, *ib.*, 2596–2602. No prejudicial influence arises from the presence of, in Western Australia, *Du Cane*, 2710. The immigration of, and of ex convicts, from Western Australia caused great excitement and increase of crime in South Australia, *Newland*, 2877. None ever transported to South Australia, *ib.*, 2917. Treatment of, in same colony, *ib.*, 2931, 2932, 2946–2948.

Nature and per-centage of diseases among, on 31st March 1862, *Guy*, 2997. Few show any signs of grief or depression, *ib.*, 3103–3107. Female convicts more broken down by imprisonment than men; flogging not applicable to women, but the infliction of some short bodily pain would be more merciful than the punishment of the dark cells, *ib.*, 3107. Difficulty of dealing with refractory women; stocks recommended; isolated cells more so, *ib.*, 3108–3119. Should feel the effects of their wilful misconduct, but they do not, *ib.*, 3121. On public works, no very hard labour to be got out of; grounds for the opinion, *ib.*, 3134. Simulating insanity; an instance cited, how treated, *ib.*, 3135. A second instance, *ib.*, 3142. Violence and insubordination of, almost incredible, *ib.*, 3143.

Re-convicted receive heavier sentences for slighter offences, *Crofton*, 3393. Numbers of, sentenced to penal servitude during 1859, 1860, 1861, and 1862; distress the cause of the great increase in the latter year, *ib.*, 3398–3400. Proportion of, voluntarily emigrated, *ib.*, 3448–3451. Facilities for emigration of, greater in England than in Ireland, *ib.*, 3452, 3453. It is the best men who go, *ib.*, 3458. Complaints by, of police supervision, *ib.*, 3459–3461. Demand for, and employment of, on release, *ib.*, 3568–3572. Number of, in the convict prisons at the date of return (App. No. 10. P.), and of those re-convicted, *ib.*, 3635. The same for 1862 (App. No. 10. B.), *ib.*, 3638–3649. Character of, who have returned to convict prisons under witness's superintendence, *ib.*, 3652, 3653. Look forward with satisfaction to being sent abroad, *ib.*, 3677–3679. Measurement and valuation of work done by, at Spike Island, *Whitty*, 3754–3765. Fair amount of work done by, *ib.*, 3757. Comparison of the systems of recording the conduct of, in England and Ireland, *ib.*, 3808–3826, 3834–3836. The system of marks adopted for, in

Convicts—*cont.*

Western Australia, *ib.*, 3827–3833. Sentenced to penal servitude in Ireland in 1862, *ib.*, 4452, 4453. Average number of, in convict prisons in the last five years, *ib.*, 4454. Selection of, to be sent to Western Australia, *ib.*, 4462–4469.

Large per-centage of invalids to whole body of, *Gambier*, 3951, 3952. Invalid, troublesome to deal with, *ib.*, 3953, 3975–3993. Complaints prevalent amongst, *ib.*, 3957. Of weak mind, number of, at Dartmoor and Woking, *ib.*, 3960–3967. How disposed of, *ib.*, 3993. Per-centage of, unfit for transportation, *ib.*, 3995–3998. Precautions against transporting lunatics, &c., *ib.*, 4009. It would be impracticable to put them on task work, *ib.*, 4033–4035. Dangerous men amongst: suggested treatment of such, *ib.*, 4044–4046. Instance of mode of dealing with a refractory convict, *ib.*, 4098, 4099. Hours of labour of, should equal those of free labourers, *ib.*, 4220–4222. Better they should pass their time in labour than attending evening service in chapel, *ib.*, 4231, 4232. Regulation of amount of labour done by, at Portsmouth, *ib.*, 4233–4239. Selection of, for transportation, practice in making, *ib.*, 4240–4254. Transportation has no deterring effect on, *ib.*, 4324; they might be made to dread it, *ib.*, 4325–4333. Re convicted men always glad to be transported, *ib.*, 4331. Evils arising from want of power of classifying, *ib.*, 4351–4354. All should pass their last three months in separate confinement, *ib.*, 4355. Classification of, impracticable, so long as hard labour is expected from them, *ib.*, 4303. Might be classified on agricultural labour, *ib.*, 4317–4320. Must be employed, whether the employment be remunerative or not, *ib.*, 4304. Anxiety of, to procure "inside berths," *ib.*, 4307–4310. Evils of employment of, in contact with free labourers, *ib.*, 4315. Class of, in Chatham prison at the time of the outbreak, *ib.*, 4394–4396. Routine of selection of, for transportation, *ib.*, 4399 *et seq.* Knowledge of, concerning conditional pardons and tickets of leave, *ib.*, 4413–4416.

Return of, after penal servitude, to their homes, most injurious, *Smith*, 4949. Punishment has no effect in making them desire to quit their criminal habits, *ib.*, 4950. Communications of, with relations, often beneficial; bad effects of removing convicts from Scotland to English prisons, *ib.*, 4955. Scotch, discharged in England generally return to Scotland, *ib.*, 5059. Many obtain employment in Edinburgh, but great numbers do not seek it, *ib.*, 5074. Plan for recognizing convicts, *ib.*, 5095–5100. Difficulty in identifying, plan for promoting, *Weatherhead*, 5220–5225. On second sentence to penal servitude or transportation should be marked, *ib.*, 5226–5229. Number assisted by Discharged Prisoners' Aid Society, London, *Ranken*, 5319. Gratuities earned by, requiring help, must be paid to Aid Society, *ib.*, 5327–5330.

Witness's opinion as to giving secular instruction to, *Measor*, 5463. His plan, as detailed in a letter to Sir Joshua Jebb, *ib.*, 5471. Value of labour on public works of, *ib.*, 5466. Nature of instruction that should be given to, *ib.*, 5485–5496. "Flabby" condition of, after separate confinement, *ib.*, 5500, 5501, 5770–5573. Diet should be proportioned to work done by, *ib.*, 5508–5510. Bad character of those sent home from Bermuda and Gibraltar of those lately transported, *ib.*, 5560–5565. Re-committed convicts should be branded, *ib.*, 5569. Derive very little benefit from the schooling, *ib.*, 5590–5592. Difficulties in managing, would be lessened by keeping them in smaller bodies, *ib.*, 5620–5624, 5630; the officers would then be enabled to become acquainted with the men, which they cannot do now, *ib.*, 5623. Chatham prison might be subdivided for that purpose, *ib.*, 5631. Will misconduct themselves for the sake of being removed from one prison to another, *ib.*, 5648–5651. Chaplains should have greater facilities for visiting, *ib.*, 5663. Present mode of recording their conduct and industry not satisfactory, *ib.*, 5664. Action of "V. G." and "G." on the remission of their sentences, *ib.*, 5668, 5669. Labour done by, should be valued by another department; the convict department should stand in the position of a contractor, *ib.*, 5671–5675. Have too many hours allowed for bed; time for evening schooling should be taken from it, *ib.*, 5712–5724. Frequently the worst selected for transportation, *ib.*, 5736–5742. All offences committed by, short of murder, should be punished within the prison, *ib.*, 5753–5755, 5785–5788. Character of the schooling that should be given to, *ib.*, 5763–5769. Those of good character only should be transported, *ib.*, 5815. Character of, can be tested under an efficient prison system, *ib.*, 5822–5829. Should not be transported till they are fit to be discharged with tickets of leave, *ib.*, 5836. Crimes committed or attempted on board of convict ships, *ib.*, 5841–5846.

Nature of the work performed by, at Chatham, *Macdonnell*, 5867, 5868. Amount of labour done by, and its value, *ib.*, 5871–5878. Seem to be more zealous in doing dirty work than clean work, *ib.*, 5878. If kept at mason's work, with instructors, they were as four to three; at brickmaker's work nearly equal, *ib.*, 5880. Generally did their work willingly, *ib.*, 5883. Average number of, in working parties, *ib.*, 5884–5886. Would do more work and work more cheerfully if under the orders of officers not connected with the convict department, *ib.*, 5887–5896.

Convicts—*cont.*
Dislike being shifted from one work to another, *ib.*, 5895, 5896. Hours of labour of, at Chatham, *ib.*, 5897–5899. Estimate of value of labour of, too high, *ib.*, 5924, *et seq.* If they were allowed tobacco would do 30 per cent. more work, *ib.*, 5943. Changeable in temper and hard to manage, *ib.* 5946–5948. At Portland exert themselves as much as can be expected, considering the work is done by forced labour, *Evans*, 5974, 5975. Might be employed quarrying stones for public buildings, *ib.*, 5984. No free labourers mixed up with, at Portland, except at the Verne batteries, *ib.*, 5980. Labour of, at Chatham, *ib.*, 6091, 6092.
Good behaviour of convicts released in Western Australia, *Henderson*, 6128, 6129. Strict control of, in same colony, *ib.*, 6130–6132, 6354–6358. One thousand or more per annum might be sent there, *ib.*, 6136–6141, 6194. Works suitable for employment of, *ib.*, 6149–6162. Employment of, on roads, *ib.*, 6162. Treatment of, on arrival there, *ib.*, 6164. Employed in working timber and mines, *ib.*, 6203–6213. Employment of, on discharge, *ib.*, 6216–6220. Employment of ticket-of-leave holders, *ib.*, 6236–6241. On release, prefer remaining in the colony, *ib.*, 6244. Employment of, as constables, *ib.*, 6363–6368.
Good character and reformation in outward moral conduct of, in Western Australia, *Pownall*, 6377. No apprehension from, by the colonists, *ib.*, 6386–6388. Absence of violence among, *ib.*, 6400–6402. Anxious for their wives and families to come to them, *ib.*, 6403, 6404.

Convict Board, in Ireland:
Constitution of, *Crofton*, 3666–3669. Witness the sole director; the old constitution of, in Sir W. Crofton's time, was better than now; it would be better to go back to it, *Whitty*, 3804–3807.

Convict Labour:
Field for, in Western Australia, *Du Cane*, 2718. The certainty of a constant supply of, would attract capital to the colony, *Henderson*, 6317–6319.

Convict Prisons:
Very comfortable, *Mayne*, 1673. Commission for inquiring into, in Ireland, result of its investigations, *Crofton*, 3147–3149. System prevailing in, before witness's appointment as director; system introduced by him, *ib.*, 3150, 3151. Difference between systems in, in England and Ireland; reasons for it, *ib.*, 3151. 70 or 75 per cent. of the inmates of, are habitual criminals, *ib.*, 3153–3157. Practice observed with prisoners in, in Ireland, *ib.*, 3158, 3159. English convict prisons more comfortable than Scotch county prisons or workhouses, *Smith*, 4947. Dietary of, superior to Scotch prisons and poorhouses, and to that of labourers and mechanics, *ib.*, 4948, 4955. Should be situate in Scotland for Scotch prisoners, *ib.*, 4955.

Convict Ships:
A source of pollution in every way; nothing but schools of unnatural crime, *Measor*, 5553. Improvements on board, *ib.*, 5837. Unnatural crime on board of, *ib.*, 5841–5851. Reference to letters of the Bishop of Perth, complaining of arrangements made on board the convict ship "Nile" when carrying convicts to Western Australia, *Jebb*, 749–755. Convict ships, as at present fitted up, very injurious to the convicts; suggestions for improving the system, *Measor*, 5676–5681.
See also "Lord Palmerston."

Cooks, prisoners employed as, in Millbank prison, *O'Brien*, 2217–2220.

Copper ore, richness of, in Western Australia, *Sanford*, 2769–2771.

Corporal Punishment:
Can only be ordered by director, *Powell*, 1246. Not more than 24 lashes may be inflicted, *ib.*, 1278. The number of lashes should not have been reduced, *ib.*, 1279. Should be prompt and severe, *ib.*, 1281, 1329. Governors should have the power to inflict, in certain cases, *ib.*, 1427. The want of that power is a disadvantage in maintaining discipline, *ib.*, 1328. Governors should have power to inflict, *Turner*, 1481. Not inflicted with so severe an instrument as at the time of the outbreak at Chatham, *ib.*, 1484. Necessary to retain the power to inflict, *Whitty*, 3899–3901. There has been none in the convict prisons in the last three years, *ib.*, 3900. Should be inflicted for assaults on officers; restriction in amount of, for convicts, *Gambier*, 4051–4058. Should quickly follow the offence, 4080–4083. Governors of prisons should be empowered to inflict, *ib.*, 4084. If inflicted, should be more severe than as at present; as now inflicted has no deterring effect at all, *ib.*, 4279–4284. Not the most effectual punishment to prisoners as a body; the effect varies according to the men, *ib.*, 4285, 4286. The power of inflicting must be retained, and exercised promptly; governors of prisons may be entrusted with the power, *ib.*, 4287–4295. If forming part of the sentence must be applied at once; if deferred till arrival at a Government prison would have a very bad effect, *ib.*,

Corporal Punishment—*cont.*
4297. Convicts guilty of violence should be flogged as part of their sentence, *Weatherhead*, 5302. Increased power to inflict, desirable; should be more prompt, *Measor*, 5728–5730.
See also Flogging.

Correspondence by Prisoners:
Abolition of, would make the discipline more penal, *Powell*, 1291. Much valued by convicts, *ib.*, 1292, 1305. Humanizing and good, *ib.*, 1434. Carried on under supervision of the prison officers, *ib.*, 1435. Convicts should not be allowed the privilege of, except as part of remission, *Mayne*, 1667–1672. With their friends a powerful means of controlling the prisoners; its humanizing effect on the prisoners, *Gambier*, 4167–4169.

Cost per annum of convicts in Western Australia, *Henderson*, 6300–6303, 6346–6348.

County Prisons:
Imprisonment in, might be improved by the introduction of gradation, *Jebb*, 879. The present buildings would suffice for an extensive change in the system, *ib.*, 881, 882. Statement of the dietaries in, *Guy*, 3088. Imprisonment under short sentences in, *Crofton*, 3577–3582.

Courts (Criminal), in Scotland, *Smith*, 5047–5049.

Crank, labour at, very irksome, and its being unproductive adds to the dislike, *Smith*, 4987–4995. The cranks are fixed in the cells, so that the men work in separate confinement, *ib.*, 5010. Tread-wheel used at Holloway, *Weatherhead*, 5172–5177.

Crawford, Dr. Thomas (*Analysis of his evidence*):
Describes the process of marking deserters and bad characters in the army, 4923. The mark is not quite indelible, but is so for all practical purposes, 4924, 4925. The operation is not very painful, for many men submit to tattooing for the purposes of adornment; it is very common among sailors, 4926, 4927. Tattooing as practised by sailors is generally done with Indian ink alone, 4928. Anything that would destroy the skin would remove it; the simple process which is commonly adopted is a succession of blisters, 4929, 4930. There would be a scar left, but it would differ from the shape of a letter; it would leave an indelible scar in the position in which the letter had been on the skin, 4931–4934. A man pursuing an honest course of life might not care to obliterate it, and he would still remain marked, 4935.

Crime:
Increase of, in the metropolis in 1862, *Mayne, passim.* To what the increase is attributable, *ib.*, 1579. Great increase of, in Port Adelaide, caused by released convicts from Western Australia, *Newland*, 2877. Nature of, committed by them, *ib.*, 2882. Passing of the Extradition Act in consequence, *ib.*, 2885–2892. Proportion of, committed by men from Western Australia in Port Adelaide, *ib.*, 2919–2921. Increase of, in Ireland in 1862 caused by destitution, *Crofton*, 3536. State of, in Ireland in the last 12 years, *ib.*, 3541-3545. Facilities for pursuing, more in England than in Ireland, *ib.*, 3660. Causes of, *Moran*, 4789, 4803, 4804.

"Criminal class," explanation of the term as understood by witness, *Crofton*, 3466.

Criminal Justice Act, injurious effect of, *Mayne*, 1706–1708.

Criminal Lunatics, new asylum building at Broadmoor for, *Gambier*, 3969.

Criminals:
Prefer a sentence of three or four years penal servitude to 18 months or two years imprisonment, *Jebb*, 825, 826. Suggestions for greater severity in treating re-convicted criminals, *ib.*, 843, 844. Present treatment of, too lenient, *Mayne*, 1729. Beneficial effect of remissions on, *Moran*, 4763.

Crofton, Sir Walter (*Analysis of his evidence*):
Chairman of the Directors of Convict Prisons in Ireland, having previously been one of the Commissioners who inquired into the state of convict prisons in Ireland for nearly 12 months previous to October 1854; his appointment was the result of the inquiries of that Commission, 3147, 3148. The inquiries made by that Commission showed the necessity of a very considerable alteration in the classification, and all the arrangements connected with the mode of managing convicts in Ireland, 3149. So far as having a separate prison in the first stage, and associated labour in the second stage, the system that prevailed in Ireland previous to appointment of witness by no means equalled the system that was in existence in England. In the first place, there was a want of classification in the Irish convict prisons, which it was necessary in the first instance to re-adjust, with many other matters of detail; but there were some important alterations to be made even

Crofton, Sir Walter (Analysis of his evidence)—*cont.*
with regard to the English convict system, because in 1853 an Act passed authorizing the issue of tickets of leave to convicts under sentence of transportation, and a great number of convicts who were formerly sent abroad were to be absorbed at home; the colonies, which had been the third stage, were thus cut off, and if a third stage was necessary before the colonists gave employment to convicts, it was necessary that such third stage should be introduced at home. The regulations as to the time at which convicts might be discharged on tickets of leave were that in a sentence of seven years' transportation a man could be liberated in three years, in a 10 years' sentence in four years, and so on. Many under detention had already passed these periods, and the consequence of carrying out the English regulations would have been to have swamped Ireland with men of this class, with no possibility whatever of obtaining employment. With a bad system of discipline in the convict prisons, it was not probable that an employer would give employment to the convicts with tickets of leave, consequently the conditions on which the latter were liberated could not have been enforced. Another course was therefore proposed to the Irish government, which was acceded to; this course was to liberate those convicts who had attained, with good conduct, the periods of time deemed by the Penal Servitude Act of 1853 adequate for former sentences of transportation, such as four years penal servitude for seven years transportation, and six years penal servitude for 10 years transportation, &c. The convicts were retained until these periods had expired, and then the well-conducted were liberated; in the meantime the classification was altered, and the mark system introduced. The mark system was instituted by Captain Knight, one of the directors of Irish convict prisons, and it has proved excessively valuable. There were four points to bear in mind: first, to discharge convicts hoping that the community would give them employment; secondly, to protect the public during the time of employment; thirdly, to make the convicts fit for employment; and fourthly, to induce voluntary emigration as far as possible. In the first place, to induce employers to take rogues and thieves into their employment was a problem beset with difficulty; it could never have been accomplished by releasing them from the prison doors, or without exhibiting them in some more natural state than had been hitherto the case, and this is the great and important difference between the English and Irish systems. It was found necessary to supplement the ordinary system of discipline by an intermediate stage; to place the prisoner under temptation, where he would not have physical control over him, and to let the public see that we so far believe in our own tests of training as to undertake the responsibility of placing him in that position. It was an experiment, but it was based on reasonable grounds. The other great point of difference was the institution of supervision after liberation. Witness and his colleagues acknowledge having a weak faith in any mere prison system, and, irrespective of that, it is far better to check the convict's prison conduct and the prison system by the infallible test of subsequent observation. Witness was satisfied that a very great majority of the prisoners belonged to the criminal class, and would return to thieving as a matter of course. It was, therefore, imperative that persons in the convict prisons should not be treated as casual offenders, but as criminals by habit and repute. It was necessary to surround, by every possible means, the commission of crime by obstructions. The success of the Irish system has been indebted mainly to a feeling on the part of the convicts that they could not follow crime as a vocation with impunity. The great evils which have occurred in England have arisen from believing that the majority of the convicts were casual offenders; there never was a greater delusion; from 70 to 75 per cent. at least live by crime. We have no reason to assume that they are only waiting for employment in order to live honestly; we must assume, from their former lives, that they will go wrong, and therefore are bound to take precautions to protect society against them, and in the process of protecting society against them, to protect them against themselves. These are the main features of the difference between the two systems; but the Irish convict system in its procedure makes cases against itself, and therefore its statistical results cannot be equally compared with any other system, 3150, 3151. It must be assumed that habitual criminals, being 70 or 75 per cent. of the whole, will go wrong, until they prove that they are going right; the result of experience is, that in Ireland as well as in England, 70 or 75 per cent. of the inmates of convict prisons are habitual criminals, 3153–3157.

With respect to the system now practised in convict prisons in Ireland, the skeleton features of the two first stages are similar in England and in Ireland; the first is the separate stage, and the second the associated labour stage; but there are great points of difference in those two stages. In Ireland, on first coming to the convict prisons to undergo a sentence of penal servitude, a convict is sent to

Crofton, Sir Walter (Analysis of his evidence)—*cont.*

Mountjoy prison in Dublin, a separate confinement prison similar to Pentonville prison; if his conduct is unexceptional he is removed in eight months to a prison or stage of imprisonment where he works in association; it sometimes happens that a convict is detained for misconduct 12 months; this first stage is made very penal by the omission of meat from the dietary for the first four months. The convicts had a larger dietary, when in separation, than was necessary. There might be reason for giving a better dietary when they were in association on the public works; but in separation it did not appear necessary. The medical officer was called on to try an experiment for two months with an absence of meat from the dietary; another experiment was tried for three months; and at last for four months. Four months without a meat diet has now been in use for some years. Four months need not be the maximum for the absence of meat; if they were given meat one month before they go to the associated labour prisons, it would be enough, 3158, 3159. The absence of meat and the absence of interesting employment during the first three months increased the severity of the punishment in the first stage, 3160. The absence of interesting employment during the first three months, as well as the dietary, is peculiar to the Irish system; reasons why the absence of interesting employment, that is, the teaching of men trades when they come into the prisons, was necessary, 3161. In most cases this treatment had a decidedly depressing effect upon the prisoners in the first three months at Mountjoy prison. After three months the tradesmen, that is, shoemakers and tailors, were set to work at their trades; others were employed in mending sheets and clothes, and in boot-closing, 3162, 3163. A prisoner is an hour every day in school at Mountjoy; but he also learns the whole scope of the convict system in Ireland—what will be done with him about his marks, how his progress is to be recorded, and how much depends upon his own exertions to improve his position. Every opportunity is taken to make them fully acquainted with the objects of the system, and the mode of treatment they will be subjected to, which is often tested by the directors themselves, 3164–3166. The period of detention at Mountjoy prison varies from eight months to 12 months; the average length of their stay in prison is eight months, 3168–3170. For any offence, even for communicating when in the separate prison, no man would be allowed to go out in eight months, he would be detained longer. There must be a perfectly clean sheet to enable him to get out in that time; whether he is kept nine or 12 months would depend upon the nature of his offences, all of which are brought before the directors; the slightest infraction of rules would entail upon him an additional period of detention, 3171, 3172. In the second stage the labourers are sent to Spike Island convict prison, and the tradesmen are removed to another wing of Mountjoy prison, 3173.

At Spike Island the prisoners' classification is governed by the marks they attain, a certain number regulating promotion in each class; the system of marks was introduced by Captain Knight; it is not quite the same as Captain Maconochie's system; the principle of marks was introduced in the first instance, by the Archbishop of Dublin or by Captain Maconochie; the Irish system of marks is not perfect, but it answers the purpose; these marks appear very trifling things in themselves, but they are of great importance to the men, and by them the men's position is made more intelligible to themselves; the system of marks pursued in Spike Island prison described, 3173–3176. The marks are distributed under three heads, discipline, school, and work, and a convict must attain a maximum of marks during his detention to justify his obtaining a full remission of the term authorized by the regulations for the ticket of leave, 3176, 3177. A notice is given to the convicts when they enter the prison, and if a man does not accumulate enough marks in the time it is his own fault, and he is kept back till he does. A case supposed to show the working of the system; a proportion is laid down for each sentence, and when the sentences are examined the number who have been sent out on tickets of leave will be found, and the periods of remission will show how this system has worked, 3178. Explanation of the classes in the stages: four classes in the stage at Spike Island, the third, second, first, and the advanced or A class; a convict may raise himself from the third to the second class in two months; when they leave the separate prison they go into the third class, beginning low down in that class, on the ground that in separation there is little opportunity of doing much amiss; it does not afford the same test as the other prisons. Method by which a convict progresses in the classes: when a convict has reached the A class his progress is noted, any misconduct causes a reduction and suspension or a loss of marks. Gratuities allowed to convicts in the classes; reasons for their low rate, 3178–3180. The average amount of the gratuities earned in Ireland is about one-half of what it is in England, 3181–3185. When men attain the A or advanced class they are removed to another part of the establishment, and employed on

Crofton, Sir Walter (Analysis of his evidence)—*cont.*
special works; the idlers are kept by themselves in a class, and the men who are dangerous are kept by themselves also, and withdrawn altogether from the general labourers of the prison, 3186. These men are subject to very strict treatment; the idlers who do not do their work, and interfere with the general class, are put by themselves and employed, with very little food; the dietaries are altered specially for them. The dangerous class are kept in chains to prevent them doing further mischief, and upon such a dietary as the medical officer thinks absolutely necessary for them, which is very low, 3187, 3188.

The dietary is not considered in each particular man's case, there is a class of dietary for the idlers, and a class for the dangerous men, and they are kept perfectly separate; their dietary is reduced until they show that they deserve to be put into the ordinary labour classes. To this minute classification of these men is attributed the being able for the last three and a half years to abolish flogging; flogging has not been resorted to during the last three and a half years, proving that this kind of classification, under stringent rules, is advantageous; it is extraordinary how few are in them now, 3189.

The warders do not receive any gratuity at Spike Island depending upon the amount of labour done by the convicts; gratuities to warders which are made dependent upon the labour of convicts are objectionable, 3190–3192. The warders have fixed salaries which do not vary except when promoted from class to class; by good conduct a warder, as in other similar cases, has an opportunity of advancing himself in his profession, 3194–3196.

The effect of the system of marks upon the men in their efforts to obtain their tickets of leave has been of the utmost value; the system realizes to the convict his own position and means of progress; wherever the system of marks is tried it will succeed; it has succeeded, though different from the Irish system, in Western Australia; the Irish system is not so perfect as it might be, but it is a very useful record of character, and has been tried in the reformatory schools for the last three years, with great success, 3197, 3198. The effect of the system is, that the men are fully persuaded that the obtaining remissions of their sentence depends upon their own exertions and good conduct; it would, if not considered to be a strictly just system, generate disorder in the prisons, instead of which a very satisfactory state of things prevails; as a proof of its good effect the general good order existing in the ordinary and intermediate prisons may be cited, 3199. The men appreciate the mark system, they believe it to be carried out with strict justice, and that it depends entirely upon themselves what remission of sentence they will obtain, 3200. Complaints are constantly made in the earlier periods, for the men are naturally jealous of every mark; they can complain to the governor and directors, and can have their cases heard, and mistakes rectified, 3201. There are four persons connected with the apportionment of the marks, viz., the officer of the gang, the schoolmaster, the principal warder, and the governor; the chaplain's report has nothing to do with their obtaining the marks, 3202, 3203.

There is not the best application of labour at Spike Island; a very limited number of stonecutters are employed there; the treatment of the prisoners at Spike Island and in Mountjoy are identical, 3204, 3205. Number of convicts at Spike Island and at Mountjoy; the incentives to exertion in the two places are the same. 3206–3209. Modes of employment at Mountjoy; association at work, separation at night; exercise, 3210–3213. There is some trifling difference in the dietary at Spike Island and in the associated prison, 3214.

Witness quotes from a return with reference to the classification of English convicts some cases showing a state of things that could not possibly appear under the mark system, that is to say, that a badly-conducted prisoner can receive as much gratuity as a well-conducted prisoner in the second stage of work in England. Such inequalities could not exist under the Irish system, either as to the remission of the sentence or the amount of the gratuity, 3215–3217. The arrival of men from the hulks could not have had the effect stated in that report. Bermuda prisoners arrived at Chatham before the mutiny occurred; witness has had from 150 to 180 such men in a smaller prison, who had been accustomed to a high rate of gratuity, a better class of dietary, and had the idea that they would receive their liberty, because their time was up. They met with a lower dietary, smaller gratuities, and the intelligence that if they could not prove by their conduct that they were fit to be liberated, and to pass through the intermediate prisons, they would not go out on ticket of leave. Attention is called to this to show that by getting these people more divided in the different stages, it would be very difficult to overturn the discipline of an establishment. The subsequent bad conduct of a man disentitles him to a great proportion of the gratuity he has previously earned and the whole if necessary, 3218.

With the exception of the advanced class, there is no separation of the classes at

Crofton, Sir Walter (Analysis of his evidence)—*cont.*

Spike Island; men in that class work at Haulbowline or on special works; in the 1st, 2d, and 3d classes they are mixed according to the requirements of their service; there is no difference in their diet; the dietary at Spike Island is not yet what it should be, 3219–3225. The buildings at Spike Island are defective, they were merely a barrack; there is no necessity for further expense in altering them, 3223, 3226–3228. There was no separate building for the accommodation of the advanced class built especially, an iron building was merely appropriated for the purpose, 3229. Phillipstown was a barrack attached to the old gaol which is now given up, 3233, 3234.

The intermediate prisons at Smithfield and at Lusk are the only two now; at first, having a large number of convicts, there were two additional establishments at the mouth of Cork harbour. Smithfield in Dublin, an old and badly constructed prison, was made without expense to answer for the tradesmen. At Lusk, about 15 miles from Dublin, iron huts were erected similar to the Crimean huts for soldiers. The huts cost 330*l.* each; they are moveable, and answer very well; there are two, holding 100 prisoners, close together, and forming one establishment, 3236–3240. The maximum number of prisoners at Smithfield would be only 100, 3238.

Of the whole number of prisoners released in Ireland 75 per cent. go through the intermediate prisons, 3241, 3242. But it must not be concluded that the remaining 25 per cent. fail in consequence of misconduct; a man who has committed a murder would not go to an intermediate prison, nor a man who had been convicted for bestiality, or any heinous offence of that kind. It is a great mistake to imagine that the general body of the Irish criminals are agrarian offenders, and not habitual criminals. Of 107 agrarian offenders, only seven belonged to the criminal class, and there were only two who returned to the prisons, 3243. Prisoners have been admitted who have been convicted of agrarian crimes of a lighter nature, but any man who has once been in an intermediate prison is not re-admitted; forgers are not admitted, 3244. This regulation was made by the Government; doubtful cases are submitted to the Under Secretary of State for Ireland, 3245–3249. Out of the 25 per cent. that do not come into the intermediate prisons, a great many have commutations of their sentences, and are released often before they reach the end of the term, being liberated for certain special reasons by the Government, 3251–3254. Such special cases do not interfere with the regularity of the discipline, unless a man was a badly-conducted man, but such are not generally discharged without some inquiry being made. They are discharged very often on memorial, 3255. Such cases would be nearly one-fourth of the 25 per cent. who do not go into the intermediate prisons, 3256–3258. The remainder, or 16 per cent., of those who do not go to the intermediate prisons are either eccentric (that is, bordering on insanity), invalids, or murderers, 3259–3261.

At Lusk the prisoners are employed upon the farm in draining, and so on; they work about the same number of hours as free labourers, and they receive half-a-crown a week if they perform their work properly, but for misconduct of any kind the man is at once removed to separation at Mountjoy, and it depends upon the circumstances whether he is removed to another associated prison again. There are no cells kept as adjuncts to the intermediate prison, because the object is to preserve the tone of the establishment. These men are in association and live together. The huts were suggested and designed by Captain Knight, and there has been no reason to regret having taken that course. The object was to show to the world that these men can be trusted in association. Witness reads his answer, written in Oct. 1858, to the objections advanced against the system of association. It is to be borne in mind that under this system the labour of the convicts will be more general and more available for small harbours of refuge and expensive works, coast defences, &c; but if you have to build expensive prisons, you cannot perform small works. At first some attacks were made upon the system; people said that it was dangerous to have these men in association, but the practical experience of many years has confirmed the soundness of the principle, and nothing has arisen with regard to that association which could be deplored. The conduct of these men has been quite equal to the ordinary run of soldiers. The public have met the arrangement, and a great many persons, having seen these men so employed, have been inclined to offer them employment. It has been stated that a loss of the deterring effect would ensue in consequence of the exhibition of convict labour in this form, and it would cause, especially in Ireland, a great increase in crime, in order that the offenders might enjoy these privileges. It is important that what is going on inside convict prisons should be known, for if the system will not stand the test of publicity there must be something wrong in it. The whole state of the discipline under the Irish system, so far from offering a premium to crime, is calculated to deter from crime. It forces upon the convicts laborious efforts through

Crofton, Sir Walter (Analysis of his evidence)—*cont.*
the mark system before a man gets any advancement at all, and after his liberation from the intermediate prison he is exposed through supervision to a civil disability. It is difficult to make the dietary of criminals at hard work quite as low as that of paupers, and yet it is felt that every distinction that could be properly made should be made between the two. If work is wanted from a convict, a certain amount of food must be given him, which in nearly every case will be found to be more than a pauper receives. It is of the greatest importance that the civil disability and supervision by the police after liberation should take place, so that the pauper should feel his position and that of the rogue to be on a very different footing. No man outside a prison, and knowing the whole system that is pursued in Ireland, would for one moment sacrifice his liberty in order to get inside. This objection also was made at first; but a reliance was placed on the system, taken as a whole. We are able now to say, after many years trial, that the number in prison has decreased under the system. If it had offered any premium to crime, the number would naturally have increased, especially in a country like Ireland, 3263–3264. The first intermediate prison was opened at Smithfield in November 1855, 3265–3266. At Smithfield the tradesmen are paid gratuities, instead of 2*s.* 6*d.* a week as at Lusk; they are paid according to the amount of work they perform; there is a certain scale of price put upon each waistcoat, each pair of trousers, and each pair of shoes or boots, but the maximum must not exceed 2*s.* 6*d.* At Lusk a system of lectures is carried on by Mr. Organ two days a week, and during the remainder of the time he is at Smithfield. Part of the Irish system was to induce voluntary emigration, and the result of any good prison system would be to induce a large voluntary emigration of convicts. Nearly 25 per cent. of the whole convict service have taken the course of emigration, enlistment, or entering the militia, 3267, 3268. In the lectures given by Mr. Organ the advantage of emigration is strongly put before them, as having the effect of severing them from their old associations; but the men get no pecuniary assistance beyond their gratuities, 3504–3507. It is the best men who have emigrated, which is likely to be the case; criminals do not generally go at their own cost to a place where there are not many pockets to pick, 3268. In both Smithfield and Lusk the prisoners are allowed to spend about 6*d.* a week of their gratuities, which is allowed in order to obtain some sort of test of the character of these people; it is a good test. Some men, after many months in these intermediate prisons, have not spent one farthing of their gratuities, but have saved them for certain purposes. Books are paid for by subscriptions out of the 6*d.* a week; the men may spend it, if they choose, in tobacco, but not in drink. Many who are fond of smoking have not spent one farthing of it in tobacco; much self-denial is exercised by a large number of the men, 3269, 3270. Prisoners are allowed, under certain restrictions, to leave the prison; they are sent on messengers' duties, and are allowed to purchase small articles for the other prisoners, 3272, 3273. At Lusk there have been two escapes; at Smithfield one escaped directly after he came up from the ordinary prison, 3274, 3275. Many of the men at Lusk, to show that the dietary is not too liberal, spend their gratuities in bread to add to their dietary, 3275. It is known in every case how that 6*d.* a week is spent. One of the convicts is sent out; he takes the money and lays it out for the others; they reckon with the superintendent, and he knows what they purchase; very often he keeps the money for them himself, 3276–3281. A different messenger is sent out almost every day, and he brings an account with him of everything that he spends for each man, 3282, 3283.

The system of intermediate prisons has been applied to men who were sentenced to penal servitude under the Act of 1853. It was objected that men would conduct themselves well under this test stage for a time, knowing that they would get their liberty through it, and that it would generate hypocrisy; but the men who were so sentenced, and who could not obtain a remission, conducted themselves equally well with the others. The system is as satisfactory with regard to the men who were merely serving out the last few months of their sentence, as in the case of those who were about to be released on tickets of leave, 3284, 3285. There was some alarm at first on the part of the public, in the neighbourhood of Lusk prison, as to the danger of having those men working in comparative liberty; it was intended, out of consideration for the public feeling, to have constabulary somewhere within reach, and to have two rough huts put up for them; but after the convicts had been there for some time the neighbourhood began to feel that they could go on without constabulary, and the huts were never occupied. One of the largest landed proprietors there, Mr. Cobb, said that if he wanted hard work to be done, he would send to Lusk for labourers as well as to any other place. The avenues of labour are materially opened to convicts in Ireland, and if these establishments were shut up they would be closed again, 3286. The men are employed

Crofton, Sir Walter (Analysis of his evidence)—*cont.*

on merely agricultural work, drainage included ; cultivating a farm on a common ; they are not separated from the world by a wall, but they would not be allowed to associate with free labourers, 3590–3594. The exhibition of these men working in comparative liberty undoubtedly predisposes the public to employ them, 3287. The means of getting to the colonies are shown to them, and many communications are received from those men who have gone to the colonies which are, generally speaking, satisfactory, 3288, 3290. Letters read from employers of convicts, addressed to Mr. Organ, 3290. The fellow workmen of these men do not know as a rule that they have been convicts ; the men might be exposed to taunts or to the danger of being compelled to leave their employments, 3291, 3295. The maximum time that a prisoner is kept in an intermediate prison depends upon the length of his sentence ; he must be there a certain time. A man, who is now under sentence of seven years' penal servitude, would be one year and three months in the intermediate prison ; under the old sentences of transportation they were in 12 months. With a 10 years' sentence a man would be six years in an ordinary prison, and if he conducted himself properly he would have a year and a half in the intermediate prison ; after that he would be on ticket of leave, 3296, 3297. It is not in the power of a convict to shorten the stage on the public works between separate confinement and the intermediate prison by the marks he obtains ; there is a minimum period that must be served in Mountjoy, which is eight months, 3298, 3300. The total amount of remission is the same in Ireland as in England, 3301.

With regard to the practice in Ireland of subjecting all prisoners who are released on tickets of leave to supervision, the plan of the Dublin supervision was that the lecturer should visit every man out on ticket of leave officially, and bring in a fortnightly return showing the employer's name, the standard of wages, and the conduct of the men ; this fortnightly return was filed; and the information was afterwards checked by a detective inspector of police. If Mr. Organ found that there was any obstruction to his obtaining from the convict full information, the latter was at once handed over to the observation of the police, in order that they might see whether there was any chance of his infringing his licence. The detective inspector attended two or three times a week, and when he had notice of failures he made a return of the exact state of the case. A police check was thus kept upon Mr. Organ's reports. Finding in 1856 that some of the men might go out into the country from Dublin, the necessity was at once incurred of having police supervision in the country. Nothing can be more strict than the supervision in Dublin, for when anything bad is heard about a man his licence is revoked immediately, and this fortnightly official list is kept as a check. Extracts from Mr. Organ's usual fortnightly reports cited, 3302, 3304. These reports also give the general conduct of the men, of whom there are about 140 under the supervision of Mr. Organ, in Dublin, at this moment, 3305, 3313. The detective officers in the Dublin police generally reported accurately upon the conduct of the men, and took a considerable amount of trouble if a case required it, 3306–3308. Manner in which Mr. Organ communicated with the men under supervision and with their employers, 3309–3312. The slightest infringement of the conditions of the licence leads to a revocation of it. No case could be proved of a man breaking the conditions of his licence in Ireland and remaining at large ; he would be sure to be put back in separation, and his licence revoked, 3314, 3315. If a man was within a fortnight of the expiration of his sentence and had infringed some of the conditions of the ticket of leave, that man would be sent back at once to prison for the sake of the principle ; such a case has occurred so close as a month or three weeks, 3316, 3317. These men were put in the "Hue and Cry," and a warrant was issued, and there were very few cases in which they baffled pursuit, 3318.

With respect to a return of the number of prisoners released on ticket of leave in Great Britain during the last three years, of the number of such persons who have, since their release, been convicted of any criminal offence or offences, the nature of their original offence, and the offence or offences for which they have subsequently been convicted, and a like return as to Ireland ; the Irish return is drawn up on this plan ; it gives the re-conviction of every man who has been convicted and discharged, whether his licence had expired or not ; and as to those marked with a star, the original sentence had expired previously to the subsequent conviction. Of the males, 21 out of 51 were convicted in that way, and of the females, 17 out of 19 ; the English return does not represent the same state of things ; the Irish return includes expirees as well, which makes an enormous difference, and the Irish return should have had appended also the regulations as to the ticket-of-leave convicts placed under supervision, for it makes a vast difference in the re-convictions whether the men are known to the police through their tickets of leave, and therefore afterwards as expirees, 3320, 3321. The return of

Crofton, Sir Walter (Analysis of his evidence)—*cont.*
an old offender to the convict prisons would be indentified at once ; and to the county prisons in the majority of cases in consequence of the system pursued, 3322. Witness states the course taken to insure the recognition of a convict on re-conviction, 3323–3326. It would be difficult for a man who had been formerly convicted in Dublin, and committed for trial at Cork, or elsewhere, not to be recognized as an old offender ; the governors of prisons would suspect any man who had anything peculiar in his looks, and would send a return, 3328, 3329. It is not very difficult for an officer in Dublin to recognise a man of whom a description is sent from a provincial town ; very few come into the convict prisons who have not been known in some way, and whose indentification has not been made. The result of the inquiries is, that in most cases these men are detected, even although they deny themselves ; and so important is this practice deemed by the convicts themselves that it increases their fears and deters them from committing crime, 3331–3334. The same statement holds with regard to rural ticket-of-leave men coming to Dublin, 3335–3341. If these men have been under sentence of penal servitude, the fact is made known that they are "habitual offenders." The prisons are small in Ireland, and there is a knowledge of the convicts on the part of the officers and others within a reasonable time. If on receiving a proper description there was the slightest idea that the man had been a convict, every record would be searched with great care, and an officer sent down at once to identify, 3343, 3344. If a man does not admit a previous conviction the officer is summoned, and he has to give evidence at the trial. The records are kept very carefully and it is not a difficult matter, 3346.

The supervision of convicts in the country is carried on thus : a notification is made to the inspector-general of the constabulary when a man is liberated, stating to what district he is going, the man then registers himself with the head of the police, states what he is going to do, where he is going to be employed, and reports himself once a month ; if he removes from that district his registration is transferred from the district he is in at that time to the one to which he goes ; if he does anything to infringe the terms of his licence the constabulary report him, and his licence is revoked at once. He must come himself once a month, and report himself to the police ; but the police do not confine themselves to that, for, knowing where he is, they look after him a little oftener without interfering with him, though there is no undue espionage or oppression practised by the police, 3347, 3348. In the first instance there were a large number of complaints from the convicts, but as otherwise they would have had to remain to the end of their sentences that feeling of dissatisfaction very shortly vanished, and they preferred being placed under police supervision. There has been no undue interference on the part of the police ; some fellow, when doing wrong, would state that he had been interfered with, but in general it is not true, 3349. The visits of these men to the police do not seem to prevent their obtaining employment ; the convicts would soon bring it to one's notice if there was any foundation for such complaint, 3350. The public, generally, are satisfied with the system of supervision, and regard it as a protection ; there is no doubt that it is a very great protection to the public in Ireland, 3352. The gratuities to these men are paid in instalments, and in the rural districts, generally by the constabulary, 3353, 3354. The supervision in the rural districts though not so efficient as in Dublin, is ample, and sufficiently protective for those districts, 3355. In large towns the duty of supervision would be better conducted by an officer specially appointed for that purpose, with a certain check on the part of the police. There was more espionage in Ireland before the systematic supervision of these licensed convicts than there has been since. General Cartwright, inspector of the north-eastern district, is of the same opinion with regard to England ; under a system there would be less espionage. He says that protection would be given to the public in employing these men, which has been found to be the case in Ireland, 3356. From the fact of there being police supervision in the rural districts and also efficient supervision in Dublin, a much more accurate means of knowing what the convicts are really doing can be obtained than in England, not only as to the ticket-of-leave prisoners, but as to the class of expirees, numbering nearly 500. As to the period of time included in the return, 1860, 1861, and 1862, it is not a fair representation of the Irish system, because those are the periods in which it has had no opportunity of working in its most important points. Old offenders have been sentenced to three and four years' penal servitude under the Act of 1857, with remissions, in the one case of six months, and in the other nine, so that the period of detention has been very short and the period of supervision still shorter. Very few of the Irish prisoners get out at their full time. A great many, probably nearly one half, have only gained three months remission, so that these men have

Crofton, Sir Walter (Analysis of his evidence)—*cont.*

only been three months under police supervision, which is no check at all; the sentences ought to be much longer. Old offenders were coming with three or four years' sentences, and the Irish system or any other system must be a failure under such circumstances, for there is not time enough to train or supervise them. No sentence to penal servitude should be shorter than seven years, provided the convict had ever been under sentence of penal servitude before, 3360–3364. The whole system in Ireland depends for its efficiency upon the Government having a power over a man for some considerable time; in sentences so short as three years on old offenders, there is scarcely any time during which the Government can have any control over them after they get out of prison, 3364. It is so in England also, with the difference of supervision, which was of essential use in Ireland, 3365. With regard to the general results of the system, the public in Ireland generally approve of it. The men get sufficient employment, and they go to the colonies if there is any difficulty; they manage to get on satisfactorily. It cannot be said that they readily obtain employment, because people are not in such a hurry to take a parcel of thieves into their employment; but in consequence of the supervision that is exercised employers come forward in a sufficient number to prevent it being a hardship upon the criminal, 3366–3368. The result of an investigation made to test the efficacy of this system, how far these men had succeeded in obtaining employment, is practically that the great majority of them readily obtained honest employment, 3369–3372.

Some prisons were closed during witness's direction in Ireland, Newgate, Phillipstown, and the part of Grange Gorman that was given over to the convict department, and two small out-stations, 3373, 3374. There has been no transportation from Ireland since 1853, so that the Irish convict system has dealt with all the prisoners who have been sentenced to penal servitude and transportation during that time, 3375, 3376. There were upwards of 4,600 discharges from prison from 1st January 1856 to 1st January 1862; of these 10 per cent. returned to the convict prisons during that period; but no proportionate per-centages of re-convictions to the whole number are worth anything for the purpose of ascertaining the results of a system; for instance, it would be quite possible in a prison that was very full, and under a rather lax system of procedure outside, to have a small proportionate number of re-convictions to the whole number in the prison; then another prison might be half empty, and with a stringent mode of procedure outside old convicts might be brought back to the prison, and the proportion as to the whole number would be very much larger than under other circumstances. The proportionate number of re-convictions to the total number in the prisons at any given time would be no guide; an actual return of the whole number who had gone and returned would be the test, 3377–3381. Included in that 10 per cent. before mentioned are those whose licences have been revoked; it includes only those re-convicted and sent to the Government prisons, it does not include the county prisons, 3381, 3382, 3388. There were not many re-convicted and sentenced to imprisonment in the county prisons, 3383.

The report of the Dublin Prison Board, signed by the Lord Mayor and all the justices, witness believes to be erroneous. The 10 per cent. before mentioned includes only those who have been a second time sentenced to penal servitude, and licences revoked for irregularities, 3389. It does not follow that a re-convicted man's second offence is greater than his first because he gets a heavier punishment on his second conviction, the fact of his having been in a convict prison before would induce a severer sentence; it would seem from the small number of persons in county and borough prisons under short sentences that trifling offences, such as assaults, &c., are not committed by persons who have been in convict prisons, 3390–3394.

Witness makes some observations on returns showing the numbers of convicts sentenced to penal servitude in 1859, 1860, 1861, and 1862; the sudden rise in 1862 may be assumed as being caused by the distress existing in Ireland in that year, 3398, 3400. The increase that has taken place in the sentences to penal servitude in Ireland does not show a material increase in what might be called the criminal classes, 3401.

The return laid before the Commission relative to the cost of the Irish convict prisons being made up as giving the cost for each particular prison, that for the intermediate prisons will appear excessively high. There are many charges made in the intermediate prisons, which, if they did not take place in the intermediate prisons, would be spread over other establishments, and raise their totals. It is therefore necessary under the Irish system to look at the total of each convict in all the prisons taken together; the return shows that the gross cost per annum will be 26*l.* 6*s.* per head; deducting the convict's labour, the cost will be 12*l.* 15*s.* 1*d.*

Crofton, Sir Walter (Analysis of his evidence)—*cont.*
including the intermediate prisons, which is very low; in the intermediate prisons, the net cost in 1861 and 1862 was 40*l.* 11*s.* 8*d.*, 3402–3404. As to habitual offenders, there were in 1861 in the Smithfield and Lusk prisons 94 men out of 118 with former convictions who may be said to have belonged to the habitual criminal class, 3404, 3405. There are in the prisons a number of refractory prisoners with whom when they first come there are great difficulties in dealing, 3406. Of agrarian offenders who were discharged, from the 1st of January 1856 to May 1862, the total number was 107, and of those previously convicted 7, illustrating that they do not generally belong to the habitually criminal class. Re-convictions for agrarian crimes connected with combinations are rare, 3409–3411. Special prisons for grave offenders should be established, in which the discipline should be sterner and more severe than in the ordinary prisons, 3412. By a very grave offender is meant one who has been subjected to penal servitude before, and commits very outrageous crimes; under a very stern discipline, and, according to my reading, the presence of those men, with other offenders, would interfere with the discipline of the establishment, but their exclusion would be principally because it would have a more deterring effect upon those outside; the very fact of keeping such men by themselves, as has been endeavoured to be done in Ireland, has a very deterring effect. They should have as little food as the medical officer thought fit, and be kept to the end of their long sentences; it would be preferable to sending them to a colony, 3413–3415. Convicts, as a rule, are anxious to go to a colony. If outrageous criminals were sent to a colony serious offences would increase under that practice; they can be dealt with at home, and very satisfactorily. Convicts have been kept in Ireland for 13 years, and there is nothing to make witness believe but that they could be kept a much longer period; there would be no difficulty in carrying out sentences of 20 years penal servitude if proper arrangements were made for the purpose, 3416, 3417.

There is work at Spike Island for the next five years; there the convicts work separately from the free labourers; there are but few free workmen there, and they are kept entirely away from the convicts, 3418–3422. There would be no difficulty, supposing the works at Spike Island were completed, in moving the establishments and chief buildings to some part of the country where it was thought advisable that public works should go on; the system pursued there would not necessitate the erection of costly and large buildings, 3423, 3424. An iron prison with cells such as that at Philipstown could be removed wherever it was required, 3425. It would be infinitely preferable in such cases to employ men in small numbers and to divide them as much as possible, it would give great opportunities for classification, and could be done cheaply and effectually, 3426–3429. The large numbers of convicts uncontrolled in England make it necessary to continue the practice of transportation; there is no other course but to send as many to Western Australia as the colony can receive, and to send the better men; this opinion does not refer to Ireland, from whence there has been no transportation since 1853, 3430–3433.

In Ireland the female convicts are first sent to Mountjoy prison; all classes are there kept four months in strict separation, in what is called the probationary stage; they are moved into the third class upon the same principle as the men, for two months; if a woman conducts herself well in the third class, she is moved into the second and retained there for six months; if she obtains the necessary number of marks she is removed into the first, and in the same way afterwards to the advanced class. In the third class a woman is kept in her cell the same as in probation, merely receiving 1*d.* a week gratuity; in the second class the cell doors are open for half the day; in the first class, those sleeping separately work in association in a room; in the advanced class they are put together in a room and kept by themselves in another part of the building, and employed on special works, such as laundry and works about the prison. There is also the refuge class, and the women in that class are kept by themselves, so that each class is subdivided and located as far as possible by themselves. The system of marks and the power of a female convict to work herself out of one class into another is as far as can be similar to that which is pursued in the case of the men, with this difference, the men are nine months kept in separation, and the women only four, but when they obtain their marks for each stage they are advanced in a similar manner; yet the women are kept, in a general way, more strictly as to their separation; in the second and third classes they do not associate in work as the men do, 3434–3437. No female is discharged on licence, unless some guarantee is given that there is some home for her to go to; the refuges are capable of receiving all the female prisoners who are discharged on tickets of leave, 3438, 3439. The refuge for Roman Catholics is at Goldenbridge, near Dublin, and there is a Protestant Refuge, managed by a committee of

Crofton, Sir Walter (Analysis of his evidence)—*cont.*

ladies in Dublin. The recommendations of the convicts by the ladies at the head of the refuges have been generally successful in obtaining employment for these women, 3440, 3441. The refuges are a valuable adjunct to the system; as far as the women are concerned it would fall to the ground without such adjunct, the difficulty of obtaining employment for the women being so much greater than for the men, 3442, 3443. The arrangement has not been found disadvantageous to the discipline of the female convict prisons, 3444. All female convicts who gain these marks do not go to a refuge; the object of the refuge being to try to satisfactorily draft these persons into the community again; very grave criminals do not go there, serious invalids do not go there, and very aged persons who have long persevered in a course of crime and drunkenness, some having 70 or 80 former convictions against them, do not go there, 3445. A well-disposed female convict would prefer to be sent for a time to the refuge, coming from which she could more easily get employment, to being discharged at once on the world, 3446. If the refuges were abolished it would have a bad effect on the prisoners, as there is a very great motive for them to exert themselves to go to the refuges, 3447.

The returns of convicts released in Ireland who have emigrated do not furnish a record of those whose sentences have expired, but only of those having tickets of leave, and therefore do not supply grounds for estimating the proportion of voluntary emigration from England and Ireland, 3448–3451. The facilities for emigration are greater from England than from Ireland, the convicts in England having, in the first place, the Prisoners' Aid Society to assist them, and in the next place receiving larger gratuities; but the lecture system in Ireland rather tends to encourage emigration, 3452–3454. Voluntary emigration is one of the great advantages of any convict system, because a man is severed from his antecedents, and the perfection of a convict system would be one that induced a large voluntary emigration; it is the best men who go, 3457, 3458.

It will be difficult to maintain police supervision in Ireland if the convicts are free from such supervision in England; complaints have been made of the difference existing between the English and Irish convicts, the one class being free from police supervision, and the other being subjected to it. The complaints came rom Irish convicts who had come home from Bermuda with English convicts, 3459–3461.

There is no gratuity to prisoners in separation in Mountjoy prison, 3463. Explanation of the term "habitual offenders," or "criminal class," as understood by witness, 3466, 3467. It is with reference to the prevalence of distress that a certain class of crime, sheep-stealing, for example, increases or decreases, 3468–3472. The mere offence for which a man is convicted is a very uncertain test of whether he belongs to the criminal class or not; it becomes necessary to look back to his past history to ascertain that, 3473. The value of the system of marks instituted by Captain Knight consists in its affording an exact knowledge of what a man's conduct was while in prison, 3474, 3475. Within the last three years about 75 per cent. of the whole number of prisoners came into the intermediate stage, 3476. The present system of the intermediate prisons first began in Ireland in December 1855 or January 1856, and no evil whatever had arisen from association; if anything of the kind happened, it would have been detected, and it would have come to witness's knowledge, 3477–3482. There are 50 persons in a room, and there is a little room at the end, with a window between, with accommodation for three officers; a large window looks into the room, where there is a lamp suspended, the officers being on duty both night and day, 3483–3486. The vigilance of the officers would be quite sufficient, but there is something more to rest on, the tone of the 50 inmates; if there was a disposition to do anything wrong, the knowledge that the officers have an opportunity of looking into the room through the window would check it, 3487, 3488. It is highly improbable rather than not likely, that the persons in the intermediate prisons would have any access to women, 3489–3491.

In the lectures given to the men with a view to induce them to emigrate, enlistment is not mentioned, but in the return quoted, "emigration" includes men known to have enlisted, 3492–3500. The 25 per cent. mentioned as including emigrants and those enlisted does not include those persons who voluntarily pass from Ireland into England or Scotland, 3501–3503. The men are not relieved from the trouble of obtaining a passage for themselves. It is not obtained directly for them by any officer of the Government. They take their own passages. Mr. Organ has in many cases informed them of the best way of getting on board a ship, 3508. No difficulty has been known to arise, when these men have emigrated, from a fear on the part of the shipowners in consequence of laws which are established in the United States against landing persons who have lately come out

Crofton, Sir Walter (Analysis of his evidence)—*cont.*
of a prison; witness has heard that if a suspicion is entertained that such is the character of the men, the shipowners are frequently called upon to give security against their becoming a source of expense to America; but that refers to the United States alone. As a general rule, the majority go to Canada; but, if it be the better class who go out, there will be no fault found with their going, 3510–3513. There is nothing to prevent a man with a ticket of leave in Ireland from going to England or Scotland if he likes; but, some years ago, it was requested that such men might be allowed to notify themselves to the police in England when they arrived, as a sort of check; as there was no system of police with regard to criminals in England it was not allowed. There is no legal power to prevent a man going on board a packet and coming to England, 3519, 3520. The police in Ireland send in a return directly a man removes from their district; if a man leaving one station does not arrive at that to which he was sent, but gets on board a packet and comes to England, if he had absented himself without report, he would be put in the "Hue and Cry," and if it was proved afterwards that he was gone to England, there would be information sent at once to the office. There is a record kept in the convict department in Ireland of the number of persons who so absent themselves without leave, and not accounted for, 3527–3529.

Reiteration of the per-centage of prisoners who had returned to convict prisons between 1st January 1856 and 1st January 1862, which included those having their licences revoked for irregularities, but not including those convicted of minor offences and sent to county gaols, 3530–3534. There are no elements that would render a comparison of the number of re-convictions as between England and Ireland of any avail; it would be impossible. The amount of pauperism and destitution in Ireland was a disturbing cause, and there were special offences, amounting to 41, which had been committed in a union workhouse in the city of Dublin, accounting for the great increase in the number of sentences to penal servitude in 1862; the numbers for 1859, 1860, and 1861, including the military convicts, comprise all such sentences, 3536–3538. Greater pains were taken in 1859 as to the identification of old offenders, and a system was adopted of bringing to the notice of the judicial officers those people who had been in convict prisons before; all which tended to bring them more prominently forward than heretofore, 3538, 3539. In consequence of the better information communicated to the judges and others in Ireland, more severe sentences have been passed for the same class of crimes than were passed before, 3540. The number of acquittals out of the whole number of prisoners tried must be considered in estimating the proportion of those re-entering the convict prisons, as also the number of those absent from Ireland, either temporarily or permanently, 3547–3555.

The return quoted by the Commission is a report made by the Lecturer of Smithfield Prison to the Directors of Convict Prisons, stating that a labourer earns 10*s.* a week, refers to the county of Dublin as well as to the city of Dublin, and it would also depend upon the man, whether he was an able-bodied labourer or not; 10*s.* a week must not be taken as an indication of the whole body; some men might not be worth 9*s.* a week, and another man might be worth 15*s.* or 16*s.* a week, 3556–3561. The words "a man labouring on his own account," also quoted by the Commission, is an item included in the estimate of a man's means of living, 3562–3567. Through the exertions of Mr. Organ, the lecturer to the prisoners, there are many people who know what is done with these men, and there is a large number of employers who employ them, but it cannot be said there is "much demand" for them; they would take them into employment, their labour being valuable, and thinking to have steadiness of conduct as well, and they believe that the ticket of leave as long as it lasts enforces steadiness, 3568, 3569. A diminution of the labouring population in Ireland would naturally present facilities for the employment of discharged convicts; and there having been an increase in the price of labour during the last five or six years, the convict who is discharged from prison in Ireland is placed in a very favourable position to get his livelihood, 3570–3572.

Short sentences afford very little hope or chance of the reformation of the prisoners; it is very difficult to do any good with old offenders who are sentenced to three and four years penal servitude; no old offender can be acted upon so as to amend him, or to render him innoxious to the community, under a shorter sentence than seven years penal servitude, a course recommended by witness when examined before the committee of 1856, 3573–3575. The system of penal servitude in the convict prisons is more suited to offenders who are sentenced to seven years than for shorter periods, 3576. And with regard to short-sentenced men, repeated offenders in the county prisons might be sentenced to a short term in the convict prisons, which would be an advantage to them and a check upon them, as there

Crofton, Sir Walter (Analysis of his evidence)—*cont.*

would then be a sort of chain of communication between them and the convict prison men, which is very desirable; identification, or other procedure, would not be so complete until they had been got into the convict prisons; believes the intention of the Act of Parliament passed in 1857 with reference to three years penal servitude which sentence applied to a criminal who had formerly been in a county prison, with perhaps a sentence of two years, was that he should have a lengthened sentence of three years, and be sent to a convict prison; it would be better for the convict prisons to receive criminals with sentences of not less than seven years penal servitude; but it would keep up the chain of communication with reference to those offenders who are constantly in the county prisons, by letting them come in at an early stage to the convict prisons under this one sentence of three years, 3577, 3584. One great effect of penal servitude is that a man is at once taken away from his associates, thereby breaking the link of connexion between him and those with whom he had previously been associated; and it would therefore be better, if a man commits offences, and one or two years imprisonment do not check him, that he should be at once sentenced to at least seven years penal servitude, 3578, 3579, 3584, 3585. Very few persons are sentenced to so long a period as two years in prisons other than convict prisons, 3581. The statement that it was necessary to transport convicts to Western Australia as long as the colonists would receive them, meant until there was a firmer hold on the criminal population at home—it was necessary with reference to our interests at home, and for the purposes of prison discipline, because when discharged convicts are under the supervision of the police much more will be heard about them, and many more of them will be on our hands than may at present appear; the coming back would be only temporary, because crime would decrease as a consequence, but for the first three or four years the prisons would be overcrowded, 3587–3589. From the return it appears that the proportion of licence holders who emigrated was about 21 per cent. upon the whole; that the larger proportion of the emigrants consist of the licence holders who come from the intermediate prisons; that the number of licence holders who have been discharged from the intermediate prisons at Smithfield and Lusk since they were opened has been 930, of which number 397 have emigrated, and those who have relapsed, whose licences have been revoked, or who have been re-convicted before the expiration of their sentence, are 99; therefore there appears to be of those who remain in Ireland a very large per-centage of relapses; the number remaining in Ireland being 533, 99 out of that number would amount very nearly to 19 or 20 per cent. of the licence holders from the intermediate prisons at Smithfield and Lusk, 3595–3600. Of those who have been released on licence from Spike Island and Philipstown, the whole number is 449; 42 only out of that number have emigrated; 25 only have relapsed; therefore the number will be by relapses 25 upon 407, being a far smaller proportion than from the intermediate prisons; the explanation is, that the supervision in Dublin applied to the intermediate convicts would be more strict, and that the temptations in Dublin are far greater; witness's experience of the class of tradesmen is that they are far more likely to become criminals and to relapse into crime; the class of persons living in the city of Dublin are exposed to greater temptations, 3601–3611. The return for 1862 states that out of 142 persons released on licence from the intermediate prisons, 95 went abroad; Smithfield and Lusk, 142 released on licence; placed under supervision, 47; "gone abroad," &c., 95; and the number of those who have subsequently had their licences revoked, or been re-convicted to penal servitude or transportation before expiration of sentence, 10; 3613. That would make the relapses within the year 10 upon 47, a very great increase in the proportion of relapses, because those are cases of the peculiar sentences of which there is very little hope; it is surprising that it is not larger; those men were released during the year 1862, and it appears that in 1852 nearly four-fifths of those persons were sentenced to three and four years penal servitude under the Act of 1857, and of these no convict system could have any hope. Our system, even with the supervision described, is not fit to deal satisfactorily with convicts who receive short sentences, 3614–3616. The return quoted requires explanation, which must be given by Capt. Whitty, 3618–3621. The better men go to the intermediate prisons, if they prove themselves so by the system, 3622. They are delayed in coming to Lusk by misconduct, but it is not those who do not come into an intermediate prison who are the worst criminals, for a great many of them who have committed agrarian offences are not habitual offenders, or give any trouble afterwards; invalids do not come into the intermediate prisons, or eccentric persons; in fact, the prisoners who come into the intermediate prisons do not represent any particular class of prisoners; they only represent the prisoners who are treated under that peculiar discipline, one of the objects of the system being to prepare them for emigration,

Crofton, Sir Walter (Analysis of his evidence)—*cont.*
and the other being to show them to the public in a more natural state, 3623–3627. With regard to the numbers under the supervision of the police, it must be small; the three and four year sentences expire very quickly; there are 140 reported upon in Dublin at this moment, 3628–3632. A return signed by Captain Whitty states that the total number of convicts in the convict prisons is, males 1,079, females 433, and the number of old convicts amongst the males is 277, and of the females the number of those formerly convicted is 145; but witness objects to any conclusion being drawn from them as to per-centages, because, under a bad system of convict discipline, the proportionate per-centages might be much less of re-convicted people. If the prisons were full instead of empty, and there were no well-organized system to bring back the men who relapse, there would be a smaller number of proportionate re-convictions, and the proportion would be more favourable by far than under a system that conduced to bring all these old offenders back to prison when they relapse; no question about the numbers, but a proportion would be a fallacy, 3634–3637.

Out of 577 persons sentenced to penal servitude in 1862, 138 being old convicts, and that not being so large a proportion as in 1861, when they were 109 upon 350, illustrates the fallacy of the proportion spoken of, for in 1862 there were a greater number of re-convictions, as the sentences to three and four years comparatively broke down, 3638–3640. Also the smaller proportion in 1862 would be somewhat accounted for by the 41 paupers who had not been previously convicted, and sheep-stealers and agrarian offenders: these would in some way account for the proportion of the re-convicted being smaller in 1862 than in 1861; but that exhibits the error of such proportions at once, because crime had increased a little in 1862 through a failure of those three and four year sentences, predicted when passed, 3641. Out of the 138 re-convicted men sentenced to short sentences in the last year, 38 were sentenced to five years, which has been almost a new sentence this year; in Ireland instead of sentencing to seven years, they have gone as far as sentencing to five years, to enable some check to be held over the convicts; there is also a very large increase in the higher sentences, and I observe that there was an increase in the five-year sentences; there are 61 sentences more to five years than there were in the preceding year to five years, 3642–3644. There has been a great fall in the seven-year sentences; the seven-year sentences have become 10 years; it has been the object of all connected with the Irish convict system to endeavour to get lengthened sentences passed upon those convicts who have come back; suggestions to this effect quoted from reports, 3645. The objections to short sentences are that the supervision of the police lasts for so short a time, and that the convicts feeling that it will only affect them for a short time, become indifferent, 3646. To make supervision completely effectual witness would like it to be continued after the expiration of the sentence, as it is in France, 3647. But the object would be better attained by a longer sentence and a longer remission, 3648. There has been a vast number of these short sentences in England, and, no doubt, very great difficulties to struggle with, 3649, 3650. With reference to a return in which it is stated that out of the number of 4,643 persons discharged from the convict prisons, since they have been under witness's superintendence, only 10 per cent. had returned: at the end of 1856, there were but few left of those who had been convicted of agrarian outrages; therefore witness took 1854 instead of the period when there was no system going on in order to bring relapsed convicts back, and during which the per-centage would be obviously reduced much lower, 3652. That period was taken because of dealing with the ordinary class of criminals, and the appliances were in some way formed and settled so that something might be known about them, 3653. The Dublin supervision began in 1856, the police supervision in the country commenced in January 1857; supervision was conducted with all the men in Dublin as strictly as it is now, but they began to leave Dublin when there was no police supervision in the country; therefore the constabulary supervision sprung up in January 1857, and was made more complete; the period between 1856 and 1857 should be received with qualification, as the system was not so perfect as it became afterwards, 3654–3656. There is no certain means of knowing what proportion of the discharged convicts in Ireland come to England; whatever that proportion may be, they would be the worst convicts who came here, and considering that there is supervision in Ireland and none here, they would escape from it in this country; besides, anyone who wished to pursue a course of crime could pursue it much better in this country than in Ireland, until convicts are placed under the supervision of the police, a course advocated by witness for years, and if there was one uniform system a man would soon be known because he would be reported from one district to another, 3657–3662.

Witness resigned in May 1862, but believes that the Irish convict system depends

Crofton, Sir Walter (Analysis of his evidence)—*cont.*
mainly upon all the details which have been spoken of being properly carried out; a great evil was created in crippling its working power, and therefore for the future bad results must not be attributed to the system, or the director; the present directing power in Ireland is not sufficient to carry out the system as it should be carried out, 3664–3666. When witness was chairman the board consisted of himself, Captain Whitty, and Mr. Lentaigne, and the time of the board was fully employed; when the board was broken up a great deal of witness's time, far beyond the official hours, was required to be given to official duties, 3667–3669. Mr. Organ is most peculiarly well qualified for the performance of his duties, and he is of the greatest possible use to the whole department; his lectures are given in a manner which has a peculiar effect upon the minds of the convicts, and he is indefatigable in seeking employment for them; owing to the peculiarities of the system, it depends very much upon the ability and zeal of the persons who have to carry it out, 3670–3675. It is absolutely necessary, in order to carry out the system, that one of the directors should make himself personally acquainted with the facts of every case which is reported upon by the police, or by the supervising officer, and if he does not do so some sort of trouble would soon arise, 3676. Convict prisoners look forward to being sent abroad to a penal colony with satisfaction, they would be very glad of a change, and I think you will find that borne out by experience in this country; they are not only the better sort who wish to turn over a new leaf, all classes are anxious to go if they can go free of cost, 3677–3680.

Daily Exercise:
Amount of, allowed in separate confinement, *Jebb*, 271. The worst period governors of prisons have to contend against is when the men are at exercise on Sundays, *ib.*, 292. In separate confinement, the men do not associate during the period of, *ib.*, 310.

Dark Cells, punishment in, at Millbank, *O'Brien*, 2073–2082, 2086, 2087.

Dartmoor: Dartmoor Prison:
Prisoners partly dine in their cells at, *Jebb*, 290. Invalids sent to, *ib.*, 846, 847; *O'Brien*, 2001. An invalid prison; quality of patients sent there, *Guy*, 2986. Weekly total of diet at, *ib.*, 2987. Civil guard at, *Gambier*, 3940-3943. Prisoners at, invalids; quality of their labour, *ib.*, 3946-3948. Separate cells at, most desirable, *ib.*, 3951. Convicts of weak mind at, *ib.*, 3960-3967; disposal of them, *ib.*, 3993. Management of incorrigibles at, *ib.*, 4138, 4139. Bad climate of, *ib.*, 4318.

Davis, Rev. John (*Analysis of his evidence*):
Ordinary of Newgate, has been so for nearly 20 years, 1918, 1919. The reconvicted offenders are a worse class of men now, but there is not much difference in the number of cases; it is difficult to judge as to increase, because prior to the convicts being kept in England there were no means of ascertaining the numbers, 1922, 1923. Convicts are separated in Newgate, 1926. A considerable proportion of ticket-of-leave men become reformed and prosperous, but they are not known, if they were it would seriously affect them; men who commit such crimes as forgery or embezzlement are not always men of depraved minds; a strong temptation has urged them to commit crime; they usually reform and do not come under the power of the law again, judging from those tried at the Central Criminal Court, 1927–1929. Habitual criminals ought always to have penal servitude, and not a day should be remitted, 1929. Some men who are living at liberty have been the heads of gangs for many years, 1930. Many live by crime, defying all possibility of detection, 1931–1935. Association of prisoners during the latter part of their imprisonment is very prejudicial; the first part is good, and the treatment of convicts, by abolishing the hulks, is immensely better than it used to be, but in the latter part of their imprisonment they get together; the men from various parts of England are told where to go to in London, and being unknown to the police in London they carry on their depredations as leaders, either doing the acts themselves or teaching others; almost all the garotte robberies have been done under the leadership of ticket-of leave men; this remark does not apply to those who have served their full time, as they are seldom out long enough to do it; generally speaking they are convicted again before their full time is up; the change from associated imprisonment to separate confinement is a great improvement, 1940. Prisoners have better food in the several convict prisons than a labouring man; they have more meat, and, if they are ill, a medical man to attend them, 1940, 1942, 1943. The diet in Newgate is called the fourth, it is rather a low diet, which is supplied to all prisoners without distinction, 1941. The men in Newgate have three ounces of boiled meat on three days of the week, and on the other days they have the same quantity of meat put in a pint and a half of soup,

Davis, Rev. John (Analysis of his evidence)—*cont.*
1944. Prisoners do no work at all before trial, 1945. A considerable portion of the prisoners are men committed for trial, who are always sent to Newgate previous to the sessions, when the prison is very full, 1946–1948. The condition of Newgate is as well now as such a prison can be expected to be, 1951. Prisoners in Newgate awaiting trial are allowed to buy the whole of their provisions through the agency of an authorized person, 1952. Cannot state to what extent men who were transported for seven years were discharged with a free pardon, 1953, 1954. Many of the thieves of London are under the direction of ticket-of-leave men, and were quite as much so 10 years ago, perhaps more than now, 1955–1959. A smaller proportion of the penal-servitude men relapse into crime than under the transportation system; the alteration has been very beneficial, but it wants improvement by abolishing tickets of leave for those who are known to be leading a life of crime; there is a better chance of men who commit such offences as forgery, &c., becoming reformed than there is of the habitual thief; there is a clear distinction between the two, the former might be allowed tickets of leave, but the latter ought to serve out the whole of the sentence, 1960–1967. Surveillance of the police would be fatal to ticket-of-leave men obtaining employment, excepting the more laborious kinds, but it would depend principally upon the regulations under which the supervision was carried on; instances have occurred where the police have given information to the employer, and the men have been dismissed, though conducting themselves properly, 1971–1973, 1981–1986. It is desirable in all cases to transport convicts after having undergone a certain portion of their sentence in this country, as it would operate as an additional punishment and also as an advantage to those who intended to alter their course of life, but if the evil could be cured by carrying out the entire punishment in England it would be better, 1977–1980, 1989–1992. The systematic training of boys to crime is watched now more by the police than formerly, 1987. The whole difficulty of the question is with the regular thieves, there is no difficulty with the others; the law has operated beneficially with regard to first convictions, and there are no complaints; if anything, more mercy might be shown to that class, but to the other class mercy is nonsense, 1988.

Depressing Effect:
The only depressing circumstance with prisoners is that they are prisoners and not free men, *Guy*, 3046. Of separate confinement, *Measor*, 5501.

Destitution, the cause of the great increase of crime in Ireland in 1862, *Crofton*, 3536.

Deterring Effect:
Comparative, of transportation and penal servitude, *Jebb*, 797–799. Less diet with lighter labour, would not have, *ib.*, 814–818. Only a long period of imprisonment can be trusted as having, out of doors, *ib.*, 831–834. Of the discipline under the Irish system, *Crofton*, 3264, 3415. Not unduly produced by the separate confinement in Ireland, *Whitty*, 3857. Of the bread and water diet enforced for a given length of time, *Gambier*, 4272–4277. Corporal punishment, as now inflicted, has no deterring effect at all, *ib.*, 4280. Flogging, administered as part of the sentence immediately, would have a great deterring effect; if deferred, would have a very bad effect, *ib.*, 4297. The really deterring effect of punishment is the period passed in penal labour, whether at home or abroad, *ib.*, 4341, 4342.

Deputy Governor, duty of, in visiting working parties, *Measor*, 5448–5456.

Deserters, Marking of:
Practice with regard to, *Tidy*, 4918, 4919. Object of, and size of letter, *ib.*, 4920, 4921. Process of, *Crawford*, 4923. The mark is indelible for all practical purposes, *ib.*, 4925. Not a painful operation, *ib.*, 4926. If mark removed an indelible scar would remain, *ib.*, 4932.

Devizes House of Correction:
Dietary of, *Guy*, 3080. The potatoe element in the dietary of, saved the prisoners from scurvy, *ib.*, 3081.

Diet; Dietary; Dietary Tables:
During separate confinement, the diet is regulated by the Secretary of State; great care was taken in fixing it, at Pentonville, *Jebb*, 378–381. The present diet at Portland established in 1850, after many changes, *ib.*, 540–545. Opinion of Capt. Whitty, as to insufficiency of, as first established; scale of, *ib.*, 546, 548. Further complaint of Capt. Whitty that the improved diet was also insufficient, *ib.*, 551–555. Present scales of, *ib.*, 556, 557. Diet sufficient for keeping the men in health and enabling them to perform their labour, *ib.*, 558. Half diet allotted to prisoners who schemed to get into the separate cells, *ib.*, 558. Witness cannot

Diet; Dietary; Dietary Tables—*cont.*
exercise the slightest control or opinion as to diet; it is entirely a medical question; the diets laid down in regulations of the Secretary of State are all calculated on medical authority, *ib.*, 737. Allowances of, are made on the average consumption by the men, *ib.*, 738. It was tried at Millbank to give a diet equally nutritious but less agreeable; there is a difficulty in framing a diet equally nutritious and distasteful, *ib.*, 739. With a less quantity the men could not execute the work, *ib.*, 740. Prisoners in separate confinement require a more generous diet than men working out of doors, *ib.*, 741. Witness's view is not to give ground for complaint as to diet, but to make the discipline more severe, *ib.*, 743. Punishment diet one half the usual diet, *ib.*, 812. Less diet would be sufficient with less or lighter labour, *ib.*, 813. Short diet could not be persevered in long, *ib.*, 814, 815. Diet in Howard's time (1780) was better than it is now, *ib.*, 819. Necessity for a good diet, to enable the men to perform the hard work, *ib.*, 820–822. Allowance of, to convicts at Portland re-stated, *ib.*, 866, 867. Men in confinement require more food than men not in confinement, *ib.*, 872. In feeding men in a mass the large appetites must be considered as well as the small ones, *ib.*, 873. A system of less work and less food would not work satisfactorily, *ib.*, 875, 876.

Articles of diet for dinner at Chatham, *Powell*, 1062–1069. For supper, *ib.*, 1111–1116. Prisoners generally consume their allowance, *ib.*, 1298. At Chatham similar to that at Portland, *ib.*, 1300. Not too liberal at Chatham, *Turner*, 1491.

Diet in Newgate, *Davis*, 1941–1944.

Diet at Millbank prison, of prisoners in separate confinement, *O'Brien*, 2030–2034. In Dr. Guy's opinion, too much, *ib.*, 2035. Penal diet; too generous, according to Dr. Guy, *ib.*, 2039–2042. Diet of blue-dress prisoners at Millbank, *ib.*, 2043 Diet of the penal class in Millbank prison, *ib.*, 2094. Of needlewomen, &c., *ib.*, 2107. Might be reduced for female prisoners, *ib.*, 2109. Of female prisoners at Brixton, *ib.*, 2125. The punishment diet could not be continued long without detriment to health, *ib.*, 2180.

Diet at Millbank prison, report and conclusions as to, *Guy*, 2957–2964. Penal-class diet contains more nourishment than is necessary for prisoners in comparative idleness, *ib.*, 2963. Too much sameness in, at Millbank, *ib.*, 2972–2974. Improvement in health of prisoners under ordinary diet, *ib.*, 2976. Comparison of the diets at Pentonville, Millbank, Portland, Portsmouth, and Chatham prisons, and Dartmoor and Woking invalid prisons, *ib.*, 2981–2988. The diet at Portland excessive for any amount of labour that could be got out of the prisoners, *ib.*, 2990. The diets in the public works prisons go beyond necessity, *ib.*, 2995. Convenience of having the same diet and difficulty in fixing it for all healthy prisoners, *ib.*, 2997–3003. The surgeon appropriates the diet to those in the infirmary, *ib.*, 2998. Sufficiency of present diet at Millbank tested by weight of prisoners, *ib.*, 3006. Manner in which the prisoners experimented upon were affected, *ib.*, 3037. Comparison of, for Millbank and Pentonville prisons with that for soldiers, seamen, and paupers, *ib.*, 3011, 3012. The diet for paupers more varied though so much less in quantity, *ib.*, 3015. The experiments on the effects of different diets made at Pentonville prison not conclusive, *ib.*, 3027–3033. The diet of agricultural labourers not equal to that of the Portland prisoners, *ib.*, 3043, 3044. Further experiments should be made, whether the diet of prisoners might not be reduced, *ib.*, 3048. Dietaries should have a strong potatoe element, *ib.*, 3049–3054. Brown bread should be used in prisons, and the wheat should be ground in the prisons, *ib.*, 3054–3057. Penal-class diet, details of, *ib.*, 3058. Advantage of oatmeal as an article of diet, *ib.*, 3065–3069. The punishment diet not much regarded; would not affect health if continued for even a month, *ib.*, 3072–3077. Diet in Devizes House of Correction, details of, and good effects of, *ib.*, 3079–3081. Comparison of, in county prisons, *ib.*, 3088.

Diet at Mountjoy prison, *Whitty*, 3704–3719. At Spike Island, *ib.*, 3720–3737. At Smithfield, *ib.*, 3740–3742. At Lusk, *ib.*, 3743–3749. For female convict prisons, *ib.*, 3750–3754.

The ordinary prison diet is not excessive; the varieties of diet in the different stages are not necessary, *Gambier*, 4153–4155. Deterring effects of bread and water diet if enforced for a length of time, *ib.*, 4272–4277.

Explanation as to allowance of meat at Spike Island, Smithfield, Lusk, and Mountjoy, *Whitty*, 4470. Articles of diet at Brixton prison, *Moran*, 4762. The diet for penal-servitude men in Perth prison is superior to that of the men under sentence of imprisonment only, *Smith*, 4957. Articles of, in Scotch prisons, *ib.*, 4963. Three rates of, in Scotch prisons, *ib.*, 4964; reasons for the division, *ib.*, 4965, 4966. Diet as certified by Lord Palmerston in 1854, *ib.*, 4971. Prisoners do

Diet ; Dietary ; Dietary Tables—*cont.*
not like the lower rate of diet in Scotch prisons, *ib.*, 4974. Meat does not form part of, in Scotch prisons, except in soup, *ib.*, 5043. Scales of diet at Holloway prison, *Weatherhead*, 5159–5170. Comparison of, at Holloway, Pentonville, and Millbank, *ib.*, 5263 ; at Holloway and Chatham, *ib.*, 5305–5309. Diet should be proportioned to the work done ; it is practicable to do so weekly, *Measor*, 5503–5510. The entire dietary scale is too high, and should be generally reduced ; it is wrong from beginning to end, *ib.*, 5511–5515, 5610–5613. Quantity of, at Portland, not excessive, *Evans*, 6062.

A comparison of the Dietary Tables at Pentonville, Millbank, Portland, Portsmouth, and Chatham prisons, and Dartmoor and Woking invalid prisons ; anomalies in, *Guy*, 2981–2988. A comparison of Millbank and Pentonville tables with those of county prisons, for soldiers and seamen and for paupers, *ib.*, 3011–3014. Potatoes should form a strong element in, *ib.*, 3049–3054 ; of county prisons, *ib.*, 3088. Experiments upon dietary in Mountjoy prison, Dublin, *Crofton*, 3159. Special dietaries for idlers and the dangerous class, *ib.*, 3187–3189. Difference in, at Spike Island and in the associated prison, *ib.*, 3214. In the Irish convict prisons not as it should be, *ib.*, 3225.

Diet in Prison, at Fremantle, *Henderson*, 6299.

Discharged Convicts (Ireland) :
Number of, in Dublin, *Organ*, 4499. In Dublin report themselves to lecturer to intermediate prisons, in the rural districts to the constabulary, *ib.*, 4526. In Dublin are always visited at their homes, *ib.*, 4527. Employers of, always informed of their antecedents, *ib.*, 4534. Men with whom they work do not know them, *ib.*, 4536, 4538. Many emigrate, *ib.*, 4544. Number of, emigrating is increasing, *ib.*, 4549. 60 to 65 per cent. of, obtain employment, *ib.*, 4592. Gratuities to, are paid by police, *ib.*, 4596. Public recognition of, very injurious, *ib.*, 4665. Success of Irish system depends upon their not being recognized, *ib.*, 4667. Supervision exercised over, induces masters to employ them, *ib.*, 4724.

Discharged Prisoners' Aid Society, London:
Total number of convicts assisted by, *Ranken*, 5319. Mode of procedure of, *ib.*, 5321–5332. Great difficulty of in finding employment for the men, *ib.*, 5344. Police supervision would be fatal to its operations, *ib.*, 5350. Deals only with men discharged from convict prisons, *ib.*, 5360.

Diseases, nature and per-centage of, among convicts on 31st March 1862, *Guy*, 2997.

Distress:
In 1862 the cause of the increased number of criminals sent to the convict prisons, *Crofton*, 3400. Increase of crime in Ireland attributable to, *ib.*, 3468–3470.

Discipline:
A more stringent discipline should be applied after the period of separate confinement in the cases of short sentences, *Jebb*, 326–328. No difficulty in maintenance of discipline at Portland, *ib.*, 563. Present satisfactory state of, *ib.*, 568. At Chatham, similar to that at Portland, *ib.*, 571. Discipline at Chatham at the time of the outbreak not good, *ib.*, 586, 587. Chatham is in as good order now as any of the other convict prisons, *ib.*, 595, 596. Irish discipline, system of, *ib.*, 599 *et seq.* Difference between, at Fulham and Brixton, *ib.*, 657. Stages of, undergone by female convicts, *ib.*, 662.

At Millbank prison, *O'Brien*, 2104–2106. At Brixton, *ib.*, 2124–2129. Grave offenders should be subjected to sterner and more severe discipline than in the ordinary prisons, *Crofton*, 3412–3415. It would be preferable to sending them to a colony, *ib.*, 3415. Continuance of transportation necessary, for the purposes of prison discipline at home, *ib.*, 3587–3589. The Irish system is not fitted to deal with short sentences, *ib.*, 3616.

At Bermuda very severe, *Gambier*, 4032. Difficulty in working, between 1853 and 1857, from the want of remission of sentences, *ib.*, 4164–4166. Promoted, by the director's power to make it more penal, *ib.*, 4167–4169. If made more penal, a much larger staff of officers would be required, *ib.*, 4178. Proposed discipline for incorrigibles, *ib.*, 4264, 4265 ; a separate prison necessary, *ib.*, 4299. Not in a satisfactory state at Chatham before the outbreak, *Measor*, 5520. The outbreak not to be attributed to any change of, *ib.*, 5525.

Director of Convict Prisons:
Duties of, *Gambier*, 3905. Usual process with respect to prison offenders reported to him, *ib.*, 4108–4114. Limitation of power of, to original term of prisoner's sentence, *ib.*, 4116, 4117.

Dockyards, employment of convicts in, injurious, *Mayne*, 1673.

Drunkenness:

More than 50 per cent. of the crimes in Western Australia arise from, *Kennedy*, 2644. Ticket-of-leave men in Western Australia convicted of, sent back to the convict establishment, *ib.*, 2644. Prevention of, among convicts, a great object, *ib.*, 2650. More prevalent among the free settlers than the convicts in Western Australia, *Du Cane*, 2710. Tickets of leave in Ireland are revoked for, *Organ*, 4713. Great cause of crime, *Smith*, 5085. Facilities for, in Western Australia, *Pownall*, 6390.

Dublin Prison Board:

Report of, observations on; witness believes to be erroneous, *Crofton*, 3384–3386. Explanation of return from, *Whitty*, 4893–4897.

Du Cane, Captain E. F., R.E. (*Analysis of his evidence*).

Has been employed in the management of convicts from the commencement of the convict system in Western Australia, and in that capacity had the practical direction of the labour of the ticket-of-leave men, 2675–2679. The prison at Fremantle was built by convicts and the sappers, and is now as perfect as an English prison; it contains accommodation for upwards of 1,000 prisoners, besides separate cells for refractory men, 2681–2684. There are sufficient good and substantial prison buildings for the reception of a much larger number of convicts than have been sent to the colony, there being room including the different ticket-of-leave depôts, for about 2,000 men, 2685, 2686. At an early period the colonists, from a deficiency of capital, were but little able to employ the ticket-of-leave men, but they have gone on gradually improving from that time, so that now there are very few unemployed ticket-of-leave men in the colony, 2688–2691. There is no doubt that the colony could absorb the labour of all the convicts that England can send after a short time; it can now take 1,000 a year, and it will gradually improve until very many more could be taken, 2692, 2693. States the means of employment which might be made available for convict labour, mentioning especially the Jarrah timber trade, which is capable of great development, 2694–2708, 2713–2727. Gives various particulars as to the quality, price, demand, supply, and locality of that timber, 2694–2708, 2713–2727, 2736–2750. The general conduct of the convicts on ticket of leave when witness was in the colony appeared very good, 2709. Convicts exercise no injurious moral influence upon the free settlers, 2710. The convictions for drunkenness are more numerous in proportion amongst the free settlers than amongst the convict population, 2710, 2711. There would not be much advantage in abolishing conditional pardons, and extending the period of tickets of leave; there is no difficulty in dealing with conditional-pardon men, 2728–2730. It is utterly impossible for convicts to leave the colony and pass overland into the other Australian colonies, 2732–2735.

Edinburgh Gaol:

Number of prisoners in, *Smith*, 4996. Is a local prison, *ib.*, 4997. Separate system only partially carried out in, *ib.*, 5004. Number of returned convicts in, in 1862, *ib.*, 5013. Annual number of prisoners passing through, *ib.*, 5036. As many women as men committed to, *ib.*, 5112. Ticket-of-leave holders coming to, are reported to Home Office, *ib.*, 5123, 5124.

Education:

Lamentable state of education of female prisoners on entering Brixton prison, *Moran*, 4771–4778. That of male prisoners superior, *ib.*, 4849. Plan of secular education of convicts as proposed by witness, *Meusor*, 5463–5471. Furtherance of, hindered by the long hours of the warders, *ib.*, 5469. Nature of, that should be given to convicts, *ib.*, 5485–5496.

Emigration:

Lectures given by Mr. Organ, for the purpose of promoting, *Jebb*, 642, 643. Means are taken to induce prisoners to emigrate, by lectures and otherwise; it is the best men who have emigrated, *Crofton*, 3268. Satisfactory accounts of the emigrants, *ib.*, 3290. Proportion of ticket-of-leave holders who have voluntarily emigrated from Ireland, *ib.*, 3448, 3449. Facilities for, are greater in England than in Ireland, *ib.*, 3452. The lectures in Ireland tend to promote, *ib.*, 3453. Advantage of voluntary emigration in the working of any convict system, *ib.*, 3457. It is the best men who emigrate, *ib.*, 3458. The term "emigration" in App. No. 10. includes those enlisted or in the militia, *ib.*, 3498; but not those removed into England or Scotland, *ib.*, 3502. Lectures given to the convicts to promote, *ib.*, 3504–3506. No pecuniary assistance beyond his gratuities given to a convict towards, *ib.*, 3507. Objection to, of convicts to the United States, *ib.*, 3510. Assistance afforded under the Irish system to convicts to emigrate; confined to

Emigration—*cont.*
information and advice, *Whitty*, 3880–3882. Proportion of emigrants to the convicts released, *ib.*, 3883–3891, 4417 *et seq.* Difficulty of carrying out, in the same manner, to a large extent, *ib.*, 3892–3895. Induced, though not actually recommended by witness's lectures, *Organ*, 4539. As assisted by the Discharged Prisoners' Aid Society, *Ranken*, 5333–5341.

Employment:
Must be provided for prisoners in separate confinement, *Jebb*, 275, 375–378. Nature of it, *ib.*, 277. Practice in convict prisons with reference to the probability of a convict obtaining, *ib.*, 517–520. Assistance rendered by the Prisoners' Aid Society in obtaining, *ib.*, 521–525. In Millbank prison, nature and object of, *O'Brien*, 2046–2050, 2056–2058. Sufficient is found to test the efficacy of the Irish system, *Crofton*, 3369. Efforts made by Mr. Organ to procure, for released prisoners, *ib.*, 3371, 3372. Difficulties in procuring, for discharged prisoners in Ireland, *Organ*, 4493, 4494. Nature of, at Lusk, *ib.*, 4693, 4694. Of prisoners in Brixton prison, *Moran*, 4767, 4768. Difficulty in obtaining, both in and out of prison, *ib.*, 4769, 4791. Prisoners' Aid Society very valuable in obtaining employment for discharged prisoners, *ib.*, 4791.

English System:
Difference between, and the Irish system, *Whitty*, 3687. Comparison of the English system of recording the conduct and industry of the men, with the Irish system, *ib.*, 3808–3826, 3834–3836. English system partially in use at Spike Island, *ib.*, 3850–3856. Pamphlet on, as pursued at Chatham, published by witness, *Measor*, 5423 *et seq.*

Estates, increased value of, in Western Australia, by means of convict labour, *Pownall*, 6389.

Evans, Mr. John (*Analysis of his evidence*):
Has had considerable experience in superintending works of various descriptions carried on by contractors, has been employed as an agent for several great railways, and has recently visited the works at Portland prison, examining carefully the work performed there, 5966–5969. From that examination, and having compared the prices he would put on that kind of work with those charged in the annual reports of the Directors of Convict Prisons, witness considers there would be no great difference; upon the whole the price put on the labour of the convicts in that report is a fair valuation of the work done, 5970–5973. Considering that the work is done by forced labour, and therefore not willingly, and that among the convicts there are many men who have not had any previous experience of the kind of work upon which they are employed, the men exert themselves as much as can be expected under the circumstances, and great credit is due to the officials who get what they have got out of the convicts; perhaps it is desirable to get something more, but there is a great deal of difficulty in doing so; the prisoners have their prison discipline and marching to and from their work in addition to their labour; the officers are employed with them as many hours as appears desirable, considering the arduous nature of their duties, 5974–5977, 5979. The convicts are searched each time they go into and out of the prison to see whether there is any chisel or other article concealed, and to prevent their hiding any article which might be used in assisting them to break out of prison or to commit an assault, 5978, 5979. During the time the men are employed they learn how to perform a certain kind of labour, which is useful to them after discharge; the works at the Verne fortification, nearly the whole of which has been done by convict labour, were as well executed as they could have been by masons brought up to the trade, and reflect great credit upon all who have had the superintendence; the workmanship is of the first order, 5980–5982. Labour similar to that on the Verne is sufficiently hard to be felt as hard labour because the men are of a class not accustomed to labour; the quarry work at Portland is the legitimate work of all others upon which prisoners can be most profitably employed on account of the large amount of unskilled labour which can be performed in a very small area, and the labour being very severe for the hands, 5983. The convicts might with great advantage be employed in quarrying stones for the public buildings in progress in London or elsewhere, as that description of labour affords a training to them which tends to make them more useful, if sent to a new colony, for any kind of work that was carried on there, and there is no necessity in that description of work for any association between convicts and free labourers, as they can do the work entirely by themselves under proper supervision, 5984–5988. There are no free labourers mixed up with the convicts at Portland, except at the Verne batteries, and even there they work separately, but are near enough to speak to one another; there are some free labourers employed in a quarry near the Verne, rented by some merchants from the Crown, who are within 100 yards of the convicts, 5994–5997. Reads a

Evans, Mr. John (Analysis of his evidence)—*cont.*

report showing the area of each quarry at Portland, and the nature of the stone derived, and the quantity still left in; the number of prisoners employed and their distribution for labour; and the value of the labour performed, 5999–6016. If the Government took into their hands the whole of Portland, there would be employment for a much larger number of convicts than at present, and that employment, under proper supervision, would be as remunerative in proportion as the present work, 6020–6022. The stone taken out of the private quarries goes away by sea, being carried from the quarry by a private railway on the western face of the island, 6024–6028. Thinks there is no stone sold from the convict works except what is sent to other Government works, such as Devonport or Portsmouth, 6034. There would be no difficulty in supplying from Portland the stone for the public offices now in progress, 6036. Free labourers at Portland work by the piece generally; but considering the discipline convicts undergo, it is doubtful if that system could be applied in estimating the value of their labour, 6043, 6044. The industry of the men depends upon the supervision of the warders to a certain extent; but a man may be industrious without being really reported; he may work in such a way as in fact to throw his labour away, and there is great difficulty in the warders reporting a man for being idle, if he chooses to be obstinate; further, as the men are not the most amiable characters, the warders may be a little apprehensive, and afraid of being too strict in reporting them, for they are, to a certain extent, unprotected, and would not report a man unless they found that they were really obliged to do so, 6045–6049. This might partially be got over if the credit given to the convicts for industry was periodically checked by some superior officer examining the work; though it would be difficult to ascertain the work done by individuals, it would be possible to get at the work done by a particular gang, which would be a very good guide to the superior authorities in judging how far the warders had usefully performed their duty; the gratuities allowed to the warders are an inducement to do that now, and there is a superior officer placed over them, and if he sees a gang is particularly idle he reports the warder, and the latter loses his gratuity; he is at the mercy of the governor in that respect, he being guided partly by the report from the clerk of the works, who if there was a great deficiency in the work done would observe it, and report upon it, though it is not his duty to do so; the quantity of work got out of the convicts remains with the prison authorities, 6049–6057. Does not think the quantity of food at Portland excessive, bearing in mind the nature of the work the convicts do, and the long hours they are upon their legs, even if they did not work; free labourers, when employed on the same sort of work, would have larger rations, and a better quality of food altogether, and the convicts have no stimulants of any kind, while the free labourers generally have their beer and tobacco, which is thought a great deal of by them, 6062–6066. The works at the breakwater at Portland were upon the whole laid out very well, and as it was necessary to maintain the convicts, they have been made to give a fair return for it by their labour, 6067, 6068. The work done at Portland is a vast improvement upon the work that was done at the dockyards, 6070. Among the large number of convicts in Portland there are very few skilled quarrymen, stone dressers, masons, or navvies; the latter seldom find their way into convict prisons, 6071–6074. The gang of men engaged at a very high class of stone-dressing for the Verne works acquired their skill in Portland; two-thirds of them were unskilled at the time they entered that establishment, many of them coming from large towns, and having been unused to any kind of hard labour, 6075–6077.

Has visited Chatham prison and works, 6078. Reads a report on the works at Chatham, showing the quality and amount of labour performed by the prisoners, the number employed, their distribution as to labour, the nature of the work upon which they were employed, the value of the labour done, and the length of time they work, 6080–6084.

The warders and officers of the prison have to give all the prisoners their dinners, and their duties are very arduous; it is right they should have their dinner hour, but under these circumstances it makes the prisoners have a long meal time, 6085. Ordinary labourers would take their breakfasts and dinners on the spot, 6086, 6087. The men employed at the Verne fortification did not return into the prison for their dinners; they had a shed made there specially for them, but they had to undergo all the routine in that shed, the same as if they had been marched into the prison, which was absolutely necessary; if it is foggy weather, they are obliged to make all sorts of shifts for that particular day, and keep them employed about the yard close under their eyes; then, again, a wet day drives in a convict long before a free labourer, 6086–6091. With regard to the excavations at Chatham one good navvy would do the work of two prisoners, but it must be borne in mind that the prisoner is a man who has never done any work, and great credit is due to the

Evans, Mr. John (Analysis of his evidence)—*cont.*
prison officials for getting out of them what they have got; but it is very desirable to get something more if possible, and there is great difficulty about doing that, 6091. The work is not so well carried on at Chatham as at Portland, but this has nothing to do with the officials or with their party, because Captain Powell wished to employ horses but could not get them, and was therefore obliged to employ men to pull a lot of railway waggons; the men say "it is donkey work" which they have no business to do, and therefore they do as little as possible, 6092. The convicts do not draw in the same way at Portland; they have a locomotive there, and the work is laid out in a very superior and a very efficient way, 6093. There is much greater variety in the work at Chatham than at Portland, the works being of quite a different class, 6094. There were not many free labourers working at Chatham, the few there were worked close alongside the convicts, 6095–6097. There is no difference in the mode of working, or in the apparent industry on the part of the convicts at Chatham as compared with those at Portland; there is just about one system at both places, 6098.

In commencing the works to be carried out by convict labour, the whole job might be valued before it was begun, and there would be no difficulty in comparing the work after it was finished, and the cost of it, whether it were done by free labour or by convict labour, 6099–6101. It would be an advantage if the convict department were put in the situation of a contractor for other public departments, and was allowed to carry on the work in its own way; it would lead to economy of the public money, and to more accurate knowledge as to the cost of each undertaking, 6102–6108. A convict, if ever so willing to work, can never be made so efficient as to do the work that a free labourer can, because, from their working in gangs, the warder when he wants anything done must take all his working party with him, when perhaps five or six men would do the work, 6109, 6110. Working in gangs is a great obstacle to making the most of the labour of individuals, but it is difficult to alter the plan; the object is to place those men in a position to earn their own living at the completion of their imprisonment; and if they are mixed up with good workmen, and become imbued with something like the same spirit, they will get on well, 6111–6113. For the discipline of these men there are no officers better than old soldiers, but those men have no practical knowledge as to applying the work on the part of the men economically, so that the best discipline officer is not always the best working officer, 6114, 6115. There was no lack of superintendence over the gangs at Portland and at Chatham, 6116, 6117.

Evening Service:
Daily, in chapel, most objectionable, *Gambier*, 4172, 4173, 4321. The prisoners attend it with the reverse of reverence, *ib.*, 4223–4232.
See Chapel.

Evening School:
Quite as objectionable as evening service. *Gambier*, 4322, 4323, 4373. Would be of no advantage to the prisoner, *ib.*, 4383. Witness is in favour of, *Measor*, 5616. There would be no difficulty in moving the prisoners about for the purpose, *ib.*, 5617–5619. Additional class rooms would be necessary; small classes advisable and additional teachers desirable, *ib.*, 5637–5644. Time for, should be taken from the prisoners' bed-time, *ib.*, 5712–5724.

Everest, George, Esq. (*Analysis of his evidence*):
Principal Clerk in the Criminal Department of the Home Office. States total numbers sentenced to transportation and penal servitude during 21 years and actually transported, 10. Treatment of those retained in this country under sentence of transportation, 13, 14. Except in cases of misconduct, offenders not transported invariably received a free pardon, 15-18. The proportion of those actually transported to those sentenced to transportation was much smaller in consequence of the Act of 1853, by which a sentence of penal servitude was introduced, 19-26. Transportation to a limited extent to Western Australia continued from 1853 till 1857, 27–29. Penal-servitude men were very rarely transported, 30. Sentences of penal servitude were shorter than sentences of transportation, and were carried out in full, 33–35. Tickets of leave were made legal, and applied solely to persons under sentence of transportation, 36. The large number of persons under sentence of transportation were disposed of entirely by tickets of leave, which were granted at times proportionate to the sentences sooner than pardons had been granted formerly, 37–44. Before 1853 a pardon was usually granted in eight years in cases of transportation for life; after, it was the rule that all sentences might be re-considered after 10 years; between 1853 and 1857 the depositions in all cases have been thoroughly investigated, 45-49. There are several persons now under sentence of transportation for life passed before 1853, who have not been released;

Everest, George, Esq. (Analysis of his evidence)—*cont.*
the enormity of their offences did not justify the grant of a licence, 52, 53. Sentences for life since 1853 have not been brought forward, 57. The lowest term of confinement of a man released on licence was one that occurred recently,—15 years; the crime was murder ; the man's conduct had been good throughout his confinement, 59-65. There have been no pardons granted since 1853 ; all prisoners have been released under licence ; between 1853 and 1857 almost all the convicts released on licence were old transported convicts, 66–68. By the Act of 1857 transportation was abolished altogether, and sentences of penal servitude were extended ; and a new system of granting licences introduced, 70–73. Sir George Grey's circular to all judges, &c. describes the nature of the remissions to be granted in future ; under this, the practice has been to grant remissions to convicts whose conduct has been reported to be satisfactory, in certain proportions, 74–77. The practice has been lately altered ; the scale of remission is not to apply to convicts who had been previously discharged under licence, and no convict sentenced a second time to penal servitude is to be discharged a second time by licence, so that all re-convicted persons of the latter class would pass their whole sentence in actual penal servitude, 78–81. The latter regulation was issued about a fortnight ago, 82–85. We have not yet arrived at the time for carrying out the remissions of long sentences of penal servitude; the discharge of convicts under the Act of 1857 has only been in operation since the beginning of 1860 ; all persons having licences before that time were the old transported convicts, 86–89. 14,067 convicts have been discharged on licence since 1853, 90. A change was made in the rule after the passing of the Act of 1857, whereby the new convicts were to have a remission of their sentences, to the exclusion of the old convicts, who became very discontented, and a serious disturbance took place at Portland in consequence, 93–99. After it was put down, it was considered a hardship to carry out the long sentences passed in 1853 in full, and a small remission was granted, 100, 101. The number of licences revoked from 1853 to 1862 is 991 ; about 1 in 14 to those granted, 105, 106. The term the licence has to run depends on the length of the original sentence, 108, 109. Consequently, in later years, when the original sentences were shorter, and the licences shorter to run, there have been fewer revocations ; number of revocations between 1853 and 1862, 110–116. Many holders of tickets of leave have been re-convicted who were not known to be such ; there is no mode of finding it out, if the convict is disposed to conceal the fact, 124–126. The greatest proportion of persons sentenced to penal servitude being sent to Millbank, the officers there have the opportunity of recognizing those who have previously passed through that prison, 127–131. The general rule is, to revoke a licence in all cases of conviction for a fresh offence, but a few have been revoked on strong representations as to the holders being connected with bad characters, and leading a dishonest life, 135–140. From 1853 there have been always some transported to Western Australia, but lately there has been great difficulty in selecting 200 or 300 men for embarkation, from the shortness of sentences that have been passed under the Act of 1857, 141–143. Western Australia could conveniently receive 1,000 a year, for a considerable period, but in consequence of the number of short periods sentenced, nearly two-thirds of the whole, that number cannot be sent, 145–149. Originally the government of Western Australia objected to receive any but the better class of convicts, but they have latterly given way upon that ground, and will now receive any who can be sent, if they are able to labour and are under a reasonably long sentence, not under six years as a rule ; a less term would not be of use, the remission of sentences in the colony being very considerable, 187–192. Judging from the present data, not more than 600 a year could be sent there, 193–199. There was in 1858, 1859, and 1860 a considerable diminution in the numbers of persons sentenced to penal servitude and general convictions, both in England and Scotland, with a slight increase in 1861 and 1862, 150–159. A similar decrease, followed by a similar increase, took place in Ireland, for the same periods, 165–175. Referring to this decrease and increase in the numbers of criminals, it may be accounted for by the decrease of pauperism and increase of emigration previous to 1860, and the increase of pauperism and decrease of emigration since, 179–184. The recommendations of the Committee of H. C., as to the more strict enforcement of the conditions upon which licences were granted, and reporting the discharge upon licence of convicts to the police of the place to which they were sent, have not been acted upon, 200–205. There is no organized system by which a person convicted can be ascertained to have been convicted previously, it depends upon their recognition by the police or the officers of the prison, nor is there any mutual communication between the London and county police, by which the previous career of anyone charged with felony can be traced out, 206–209. Many are re-convicted without detection ; the number has rather decreased lately, 211, 212. A great number of

Everest, George, Esq. (Analysis of his evidence)—*cont.*
persons are convicted several times, and sent to county gaols before being sentenced to penal servitude, 213–215. When a ticket-of-leave holder is re-convicted, he is deprived of the benefit of a remission of his sentence, although his being such was not found out on his trial, but discovered afterwards; he has no opportunity of controverting the fact, it is taken for such entirely on an ex-parte statement, 222–226. Of 27 persons convicted before Mr. Baron Bramwell in November last, four had been sentenced to penal servitude before; it is possible others had been, under different names, but in such cases it is difficult to ascertain their antecedents, 227–236.

Experiments:
Made in Millbank prison of the effect of the ordinary diet on the weight of certain prisoners, *Guy*, 3006. Those made at Pentonville prison of the effects of different diets not conclusive, *ib.*, 3027–3033. Further experiments should be made whether the dietary for prisoners might not be reduced, *ib.*, 3048.

Expirees:
And conditional-pardoned men, immigration of, into Port Adelaide the cause of great increase of crime, *Newland*, 2877. Being considered free subjects, there is no law to restrain their movements, *ib.*, 2898, 2899. The government of Western Australia anxious to get rid of, *ib.*, 2902–2909. Hunted out of South Australia by the Anti-convict Act, *ib.*, 2939. Belonging to South Australia do not leave the colony, *ib.*, 2943.

Extradition Act:
Or Anti-convict Act, passed in consequence of the great increase of crime in Port Adelaide, caused by released convicts from Western Australia, *Newland*, 2885–2892. The passing of, caused a reduction in the number of arrivals at Port Adelaide, *ib.*, 2892. Passed at Adelaide and Melbourne, *Henderson*, 6190.

Female Convicts:
Employment of, at Fulham Refuge, *Jebb*, 657. Course pursued in dealing with, *ib.*, 662–668. More trouble with, than with males, *ib.*, 765. Treatment of, in Ireland, *Crofton*, 3434–3437. None discharged on licence in Ireland, *ib.*, 3438. Refuges for, on discharge, *ib.*, 3438–3442. Employment obtained for, by the managing ladies of refuges, *ib.*, 3441. Objection to, in Western Australia, *Henderson*, 6233.

Female Convict Prisons in Ireland, dietaries in, *Whitty*, 3750–3753.

Female Emigrants:
Want of, not yet greatly felt in Western Australia, *Henderson*, 6231. In Western Australia, conduct of, *Pownall*, 6408. Well-conducted soon marry, *ib.*, 6410, 6411.

Female Warders:
Complaint of the overwork imposed on; the hours are necessarily long, but the work is not more than they can get through, *Jebb*, 766, 769. Are of as good a class as can be got; are paid liberally, *ib.*, 767, 771. The changes of, are not frequent, *ib.*, 773. Salaries of the matrons, *ib.*, 774. At Millbank prison, their hours of duty, *O'Brien*, 2223–2230. In Millbank prison overworked and not sufficiently considered, *Guy*, 3122–3126.

Fits, resulting from a long period of separate confinement, on immediate discharge, *Jebb*, 295–300. Did not occur when the men were associated previous to discharge, *ib.*, 305–307.

Flogging:
For offences of cruelty and violence by convicts, desirable, *Jebb*, 836–838, Punishment by, at Millbank, *O'Brien*, 2067–2069. A director only can order, *ib.*, 2192. Procedure previous to inflicting, *ib.*, 2194. For certain offences should be by a birch, *ib.*, 2199. Not so dreaded by some as a lengthened period of bread and water, *ib.*, 2202. Power to award should rest with the director, *ib.*, 2236. Strongly advocated on medical grounds; the most merciful punishment known to witness, *Guy*, 3107, 3115. Takes place about six or seven times a year at Millbank, *ib.*, 3110. Manner in which inflicted, *ib.*, 3111. Has a deterring effect, and produces the most impression and improvement, *ib.*, 3116. As administered at the time of the Portland outbreak, *Gambier*, 4063. Combined with penal diet would be a most effectual punishment, *ib.*, 4070. Should quickly follow the offence, *ib.*, 4074, 4080–4083. Governors of prisons should be empowered to inflict, *ib.*, 4084. Is more dreaded when ordered by an independent person than when by an ordinary officer, *ib.*, 4356–4358. No power to flog prisoners in Scotland, except juveniles, *Smith*, 5006, 5150. The power should exist in Scotch prisons, *ib.*, 5008, 5148. Not looked upon as a desirable punishment in Scotland, *ib.*, 5419. Of prisoners at Holloway prison, *Weatherhead*, 5291–5296.
See also Corporal Punishment.

Food :
Prisoners are employed in preparing, under the superintendence of a free cook, and in distributing the dinners ; occurrences of stealing food very rare, *Gambier*, 4311–4313.

Forfeiture of remission of sentence by female prisoners in Brixton prison, *O'Brien*, 2133–2144.

Forgers and such like, who have private means, should not be sent to Western Australia, *Kennedy*, 2512.

France, supervision by police in, *Mayne*, 1681, 1682.

Free labourers:
Evils of employment of convicts in contact with, *Gambier*, 4315. Comparison of their work with that of convicts, *Macdonnell*, 5871–5880, 5901; *Evans*, 6091, 6092. Work and wages of, on St. Mary's Island, at Chatham, *Macdonnell*, 5915–5923.

Free Pardon:
Offenders sentenced to transportation, not removed from the country, after a time invariably received a free pardon, *Everest*, 15; after certain periods, *ib.*, 16. The period depended entirely on the behaviour of the convict, *ib.*, 18. Was usually granted after eight years, on an average, to convicts sentenced to transportation for life, *ib.*, 46, 47. None granted since the Act of 1853, *ib.*, 66.

Fremantle Prison (Western Australia), extent of accommodation of, *Du Cane*, 2683–2685. Plenty of employment for prisoners about, *Henderson*, 6160. Diet in prison at, *ib.*, 6299. Cost per prisoner per annum at, *ib.*, 6300–6303, 6346–6348.

Fulham Refuge:
Establishment of; difference in treatment at, and at Brixton; opened in May 1856; number accommodated there; occupation and diet of the inmates, and time of occupancy, *Jebb*, 653–661. Washing account for 1862 at, *ib.*, 659. The last 12 months of female convicts spent at, *ib.*, 655–668.

Gambier, Captain James Mark (*Analysis of his evidence*):
Engaged in the convict service 13½ years ; first appointed deputy governor of Millbank prison in October 1849 ; then governor of Dartmoor prison in February 1851 ; transferred from Dartmoor to Portsmouth prison as governor in April 1854 ; transferred from Portsmouth to Millbank prison as governor in December 1854 ; and promoted to be a Director of Convict Prisons on 1st July 1856, 3902, 3903. His duties as a director are to visit the prisons of Portland, Portsmouth, Chatham, Dartmoor, and Woking once a month, if possible ; to see all the prisoners who have any questions to ask ; to try any of the men who may have committed themselves, and have been reported by the governor for offences too serious to deal with himself ; to visit all parts of the prison, to see all the prisoners under punishment, in the infirmary, and to inquire into reports against any officer, and also to visit such part of the public works as time will allow, 3905. Time taken up by the visits to the different prisons, 3906. The discipline at Portland, Chatham, and Portsmouth are exactly the same, but the labour, of course, is not quite the same, 3907.
The labour performed at Portsmouth is principally dockyard labour. The majority of the prisoners are employed either in scraping the bottoms of ships or in loading or unloading colliers, or in the chain stores cleaning chain cables, in sweeping up the dockyard and keeping the docks clean. They are also employed at the Gun Wharf, in cleaning and scraping shot, &c. Another party is employed in levelling Southsea Common. There is also another party over at Haslar Hospital, and also in the Victualling Yard ; their employment varies very much, 3908. There are 800 prisoners now at Portsmouth, for whom full employment is found, 3910, 3911. The convicts employed in trades are only those who have to keep the prison buildings in repair. There are about 14 employed to keep the clothes in repair ; and about the same number to keep boots and shoes in repair ; all the rest are employed on the works, except cooks, bakers, washers, and cleaners, 3912. Their work in the dockyard is measured and valued, and a record kept, 3913–3920, *and note.* Also of Chatham, 4182–4184. The work at Southsea Common is done at the request of a committee of the corporation and of the general commanding the forces there, for the purpose of levelling the whole of Southsea Common to make a parade ground for the troops. It is a mere matter of account, there is no money paid for the labour of the convicts on Southsea Common ; estimated value of the work done, and the number of men employed, 3921–3933, *and notes.* The prisoners do their work in a very fair way ; the labour got out of the prisoners in the dockyard is not so satisfactory as that obtained from the prisoners at Portland or Chatham, 3934. The prisoners at Portland work in the quaries, and on the Verne

Gambier, Captain James Mark (Analysis of his evidence)—*cont.*
fortification, and in workshops ; at Chatham the greater number work on St. Mary's Island, where they are entirely away from the public ; the work they do at Portland and Chatham is efficient, the men are industrious, and as a body are very well behaved ; so they are at Portsmouth, but the nature of the dockyard labour is not quite so productive and good as the labour at those other two prisons ; in the dockyard they are necessarily mixed very much with the free labourers, and the sailors and dockyard labourers will give the men tobacco and all kinds of things when they have an opportunity, and that leads to prison reports. 3935–3937.

The number of warders at Portsmouth is about the same in proportion to the number of prisoners as at Portland, but it does not include the civil guard ; the civil guard is a body of men who were appointed when the Crimean war occurred, when the Government were no longer able to afford the protection of the military ; they are men armed with firelocks, and are placed as sentries at the outskirts on the different posts ; it is so at all the public works prisons, excepting Woking ; the numbers of these men vary at the different prisons ; the number at Chatham is 25, to about 1,100 prisoners, at Portland 43 to 1,520 prisoners, at Dartmoor 30 to 1,200, and at Portsmouth 21 to 800 prisoners, 3938–3943 ; but at Portsmouth there is abundant assistance near at hand, and at Chatham as well, and also, to a certain degree, at Portland, there being 150 men quartered in a barrack on the Verne fortifications ; at Dartmoor they are very much left to themselves, 3944, 3945. All of the prisoners at Dartmoor are invalids, but not quite of so bad a class, as far as bodily complaints are concerned, as the invalids at Woking prison ; a proportion of the Dartmoor invalids, about 450 out of 1,200, are capable of light labour, who are employed on the bogs, and in reclaiming the land, draining and trenching ; those who are unfit for that labour are employed in picking oakum, basketmaking, and matmaking ; the two latter employments are new, and have been lately introduced, 3946–3948. Attempts have been made to reduce the numbers at Dartmoor, because so many men have to be in association in large rooms, by day and by night, and there are not separate cells for them all ; it would be most desirable to make an alteration in the prison, so as to have separate cells, and Sir Joshua Jebb has always been most anxious to carry it out ; but it is a curious fact that in late years the number of invalids has wonderfully increased. A few years ago they were 14 or 15 per cent., and they are now from 22 to 23 per cent. on the whole body of male convicts ; the fact has been frequently brought to the notice of Sir Joshua Jebb ; this increase can only be accounted for in this way, that the able bodied men do not come back to prison as the invalids do ; they find employment, or they emigrate, but the invalids are of all the most troublesome men to manage ; the medical man will not allow these men to be punished ; they serve out nearly all their time and either get discharged on licence, or at the expiration of their sentence commit themselves again, and are reconvicted, 3949–3956, 3990, 3991. These invalids are generally kept longer and they get a smaller remission ; the prevalent complaint amongst them is consumption, particularly at Woking ; it is not so at Dartmoor, except a man comes there consumptive ; Dartmoor is close to Princes Town, it is about 1,250 feet above the level of the sea, very cold, and very wet, 3956–3958. There is a considerable number in a weak state of mind, almost approaching to imbecility, about 170 at Dartmoor now, and about 50 at Woking one does not know what to do with ; the other prisoners urge them on to all kinds of mischief, and they do a great deal of harm ; these men are not fit for punishment, 3960, 3961. These men are partly idiots, scarcely to be made answerable for their actions, but they are not men that a board would pass as lunatics for Bethlehem or any other lunatic asylum ; to do that there must be two magistrates and to medical men two certify to the fact ; it was hoped that all such cases would have been moved to Bradmoor prison, which is a new asylum for lunatics, being built by the Government ; in the Act of Parliament under which that asylum is being built a clause was introduced to meet the cases of such men, 3963–3974. This half imbecile class is constantly coming back, they are no sooner liberated than they are convicted again ; they have nobody to look after and take care of them ; they are guilty of every class of crime, and are dreadfully violent, so violent that there has been a power given to the directors to place those men in what is termed a body belt ; a belt that goes round the waist, and their hands are confined in it ; they can move them, but not lift them up to strike anyone, 3975–3977. This body belt is the only mechanical restraint put upon them ; it goes round their waist ; it is no pain to them, but simply a restraint to prevent them doing damage to themselves, to their fellow-prisoners, or to the officers : it is kept on night and day, 3978–3981. The state of mind of these people has been ascertained to exist on their reception into Millbank prison, and it was the cause of their being sent either to Woking or to Dartmoor, as being unfit from their ailments to go elsewhere ; they are drafted from Millbank prison, having

Gambier, Captain James Mark (Analysis of his evidence)—*cont.*

undergone there a short preliminary imprisonment; upon Dr. Guy reporting them to be unfit to undergo separate confinement, they must be moved, 3984–3987. There has been a gradual increase of these invalids; in the year 1849 there were very few of these men; then Dartmoor prison was established, and originally it was populated by able-bodied men for the first two or three years; the prison was built, and the land reclaimed, chiefly by convict labour; but gradually within the last six or seven years the invalids have increased in number, 3988. In addition to the invalids and the imbeciles, there are a great many others who are quite unfit for transportation; there was not a single man of the 1,100, when Dartmoor was full, who was fit for transportation, and it was necessary therefore to dispose of them in this country; those at Woking are worse; as the men become better, and there is medical hope that they may recover their strength, they are placed in what are termed test-gangs at Dartmoor and at Woking, upon the hardest labour to be found; if they can go through that labour for three months they are drafted to Portland, Portsmouth, and Chatham, when, in their turn, they get embarked for Western Australia, if the surgeon-superintendent of the ship will pass them; but the places they leave vacant at Woking or Dartmoor are filled immediately from Millbank prison, 3992–3924. There are about 1,360 convicts now who are unfit for transportation or even for hard labour, out of the whole number of the convicts in the convict prisons, beingabout 8,000, 3995–3998. In addition to the 1,200 already mentioned if we added those men who are under sentences of three and four years penal servitude and who of course cannot go to Western Australia, the number we have to transport does not amount to anything like half the whole number; the men under sentences of three and four years penal servitude in 1862 amounted to two-thirds of the whole number; therefore the numbers from which men can be selected for transportation is extremely restricted, 3999–4003.

It was formerly—say 20 years ago—the practice to be much less particular as to the class of men to be transported, and it was a great subject of complaint in the colonies that men, physically unfit for transportation, were left a burden upon them; these men, being now not sent, add to the per-centage now on hand, 4004–4007.

It is not possible that several persons have arrived in the colony who were insane when transported; when men are selected for transportation the instructions are, that men are to be rejected who have ever been known to have been in a lunatic asylum, or who have ever shown any symptoms of insanity; men who have been convicted of unnatural crimes or bestiality are never sent; strict orders given to the medical officer who examines these men, and every caption is looked into and gone over; witness then goes through every single caption and compares every man's conviction and his crime; does not believe that one has gone out since he has been a director; there is also a medical superintendent appointed by the Admiralty who inspects every man in the yard of the prison before he is allowed to embark, who undoubtedly would not pass any man who had any symptoms of insanity about him, 4008–4013. There is at Portland prison, which is the last place where a ship calls at, what is termed a reserve list of men ready to take the place of any who might be rejected for any cause whatever, 4013. Witness cannot speak as to the reports received from Western Australia about lunatics and convicts for unnatural offences having been sent to that colony, he being only answerable for what has happened since July 1857; Captain Whitty performed the duty for six years before him, 4014–4019. Three or four months ago, on the breaking up of the Bermuda establishment, a ship was sent out from this country to take 190 or 200 men from Bermuda to Western Australia; there were no restrictions in selecting the men to go to Bermuda, and many who had been guilty of various crimes were sent to Bermuda and Gibraltar, and on the breaking up of the establishment at Bermuda it was thought preferable to send them on than to bring them home here, they were principally men under long sentences, and the description of offenders before spoken of were sent to Bermuda and Gibraltar, because there were no orders not to do so; they must be somewhere, and they might as well be at Bermuda or Gibraltar as at Portland, they would go in their turn, 4020–4029. At Bermuda the greater number of the prisoners were kept in hulks, and for that reason a prisoner who had been guilty of the offence referred to would be very unfit to be sent to Bermuda; they are under military discipline at Bermuda, and it is very severe discipline, 4030–4032.

The prisoners could not be made to work harder than they do at present; they do a very fair day's work; it would be impracticable to put them to task work; the work is scattered and of different descriptions, it may vary several times in the course of a day, it would therefore be impracticable; as an illustration of this, the greatest efforts are made by convicts (and it requires at the same time

Gambier, Captain James Mark (Analysis of his evidence)—*cont.*
much watchfulness on the part of the governor and his superior officers to prevent favouritism), to gain the goodwill of their officers by extra exertions in order to get transferred into what they term the good or the inside berths of the prison, that is, the cookhouse, the bakehouse, the tailor's and shoemaker's shop, prison cleaners, carpenters, &c. Sir Joshua Jebb, from having been an officer in the engineers, is most favourable to task work, and there have been frequent earnest consultations upon this matter, yet the difficulties are scarcely to be overcome. The governor of Portland prison, in a letter dated 7th August 1862, "Task work cannot be done at that prison;" again, at Chatham, not possible to task it [the work]; at Portsmouth it would be quite impossible, 4033-4035.

The warders, for the purpose of getting their small gratuity, could not render an inaccurate account of the work done by the prisoners; when the men are out on labour they are divided into so many districts, and over each district a principal warder is placed in charge; it is his duty to be constantly moving about amongst the parties in his district, watching how the men perform their labour, and the warders keep a correct record of the men's labour; in the amount of his gratuity as principal officer of the district there is no inducement whatever to favour any officer or person; the deputy governor and the chief warder also are bound to visit all the working parties twice a day, to keep their eyes upon all the labour performed in the different parties, and to be constantly looking into the books of the different warders who daily record the labour of the prisoners under them. If there is any reason for suspecting that an officer is making an unfair return as to how his men labour, instructions will be given quietly to have that man watched for days, and although this has been done, there has been no instances of officers making an unfair return of their prisoners' labour; this remark applies to all the prisons; it is not the fact that the warders are under such fear of the prisoners as to make favourable reports contrary to the truth; it is not to be said there has never been an instance in which an officer may not have been quite as active as he ought to have been, and not shown quite as much courage as he should have done, but there have not been above two or three such instances, 4036–4042. With respect to the horrible case that occurred in Portland, and which was tried at Dorchester the other day the prisoner was known to be a dangerous man, and all parties were warned to have their eyes upon him; there is a vast number of these dangerous kind of men, and until there is a prison for that class of men these accidents must occur; there should be a prison in some locality by itself, where the most stringent penal discipline could be exercised, and where these men should have no remission at all held out to them, where they should have the most penal diet, and where all the work they were called upon to perform should be within the prison walls; this would require a larger per-centage of officers; and until some such system is established, these outbreaks will occasionally occur, 4043-4046. There have been many cases of assaults upon officers; those cases are reported by the governor to witness, and on his first visit he goes into the whole case, and if corporal punishment is intended the whole of the evidence must be taken upon oath. Corporal punishment is not so effective a punishment—particularly the restricted number of lashes—as a heavy punishment of bread and water. These men get from 10 to 14 days bread and water in close confinement, and in addition 28 days of Indian meal diet in separate confinement. The Indian meal diet is a particular diet given at the public works: "Chatham prison—scale of In-
" dian meal diet: Breakfast, oatmeal, 10 oz.; milk, ½ pint. Dinner, Indian meal,
" 10 oz.; milk, 1 pint; potatoes, ½ lb. Supper, bread, 12 oz." The prisoners get this for 28 days, they are reduced to the third class, they forfeit all the gratuities that they have earned, and the whole of their remission of sentence is suspended, generally speaking, for an assault upon an officer; they are also clothed in a party-coloured dress and have to wear leg chains, 4047–4050. It is not so effectual as corporal punishment severely inflicted immediately after the commission of the offence would be; corporal punishment, provided that the proper number of lashes was inflicted, would have a very good effect; but with a vast number of the men bodily pain has not the same effect, or the same deterring effect as solitary confinement on bread and water for a long period, 4051, 4052. Flogging for a convict is restricted to two dozen lashes, and as 36 is so very small a number to inflict upon a criminal that punishment is scarcely ever ordered, 4053. By the Mutiny Act 50 lashes can be inflicted upon a soldier, and there is no reason why a smaller number should be inflicted upon a convict who has assaulted his warder, and a less severe instrument of punishment has been lately used; formerly when the convicts were in the hulks the naval cat was used; that went on for a certain number of years until the cat was assimilated to the army cat; but then there are men in the army who understand how to wield this cat. The alteration in the cat was made on the 5th

Gambier, Captain James Mark (Analysis of his evidence)—*cont.*

May 1862, and a reduction in the number of lashes on the 5th of April 1862. The different governors have begged that it should not be used, so that it might not get abroad among the convicts that it was so slight a punishment, 4054–4058. There is no objection in cases of violence in a convict prison to giving a convict four dozen lashes with the naval cat, and which are inflicted sometimes upon sailors; if that description of corporal punishment were administered to the men they would fear it much. At the time of the Portland outbreak witness borrowed from a man-of-war that was there the naval cat, and some of the boatswains to inflict the punishment, for which they were paid 5*s.* each, and when the men came out of the yard, after being flogged, one of them said that he had not had such a back warming in all his life. That was a totally different sort of punishment from what is usually administered, 4062–4064. Some persons are more deterred by flogging, and others are more deterred by bread and water. It would be a very effective course to flog a man, and then subject him to the bread and water diet afterwards, but it is not allowed to inflict two punishments for one offence, 4068–4071. There is no great objection to giving the governors of these large prisons the power of inflicting corporal punishment in a case of violence committed by a prisoner, not in the heat of the moment but on the next day, but it would require great care, caution, and forbearance on the part of the governor, 4072, 4074. The same consideration with regard to punishing a man in the position of a convict prisoner is not so necessary as it is with regard to a seaman or a soldier, but the great object in all administration of the law is to endeavour not to brutalize the men more than can possibly be avoided, the governor should not do it in the heat of the moment 4077–4079. Taking the case of a common assault, a man committing an act of violence upon an officer; assuming flogging to be the just punishment, if it were inflicted the next day after the offence was committed it would have more effect than if it were delayed for two or three days; assuming flogging to be the punishment that would be inflicted after an investigation by the director of the prison, the punishment would have more effect if administered promptly by the order of the governor, and there is no objection to entrusting the power of investigating cases of violence on oath, with the same formalities observed by the director, to the governors of these large prisons, 4081–4085. The law does not give such power to the governors of county gaols until they call in a visiting magistrate to inquire into the cases, and it must naturally be that visiting magistrates are more readily called in to the county prisons than the directors of convict prisons can be; some days must elapse, and sometimes a fortnight, before witness could go to investigate any case that might occur, 4086–4093. For instance, at Dartmoor, where many of these assaults occur, his last visit was made about a fortnight ago, to investigate nine cases of assaults upon officers, and before he could get back to the office in London there may be sent one or two other reports from the same prison for the same offences, and he could not, of course, go down again, 4094. During that 14 or 21 days the men would be in a separate cell on the ordinary prison diet, as it were waiting for trial. It is very rare to find an instance of a man not being guilty. All the evidence is written down, and is sent up to the office in London; the evidence is carefully gone through and the character of the prisoner, and if there is any doubt about it the prisoner has the benefit of it. Witness cites a report showing the Commissioners how he deals with these cases, 4098, 4099. The offender in that case is not one of the imbecile class; he happened to be fit for every kind of punishment; he had been sentenced for four years, and had been previously convicted three times for felony, 4100–4102. As there has been scarcely an instance of acquitting a man when the circumstances of the case came to be investigated, that would be, so far as it goes, a reason why a power to inflict punishment might be intrusted to the governors who make these reports, because it shows the great care they have taken in investigating these matters before they report them, 4103–4108. The prisoner always has an opportunity for making his defence, and it is all written down, but, generally speaking, or in nine cases out of 10, a man makes no defence at all, he says that he has nothing to say about it, that is, in the graver cases that come before witness, 4108–4115. In the case cited the governor of the prison asks whether witness will sanction his inflicting such a measure of punishment as the rules authorize him to inflict, or whether it is so grave a case that it must wait for his investigation. He asks for authority which will be declined; the punishment he could mete out of bread and water for three days would not be sufficient for such an offence as that; but any further punishment thought necessary beyond that which the governor of the prison had power to inflict, would not be inflicted until witness had an opportunity of going down and hearing the case, 4110–4114. There is no power by law to extend the punishment of a prisoner beyond the period of the original sentence, under any circumstances, even for the most violent assault,

Gambier, Captain James Mark (Analysis of his evidence)—*cont.*
but it would be reported to the Home Office; instructions are given by the Home Office, if they think fit, that that man shall be taken before a magistrate, to be committed to the county prison and to take his trial; in such cases it is not desirable that a man should be brought summarily before a county magistrate, and be liable to an extension of his original sentence; that is the system pursued in the colonies; but it would not be very desirable in this country, 4116–4119. These assaults upon warders are somewhat common in the invalid prisons, and sometimes it takes fits and starts in the public works prisons; but at Chatham prison, ever since the outbreak which took place two years ago, there has been but one or two reports of prisoners assaulting their officers; this will also go on at Portsmouth and at Portland for months together, and then there will be a sort of epidemic, and such cases will then occur six or seven at once, 4120. If the governor had the power of inflicting summary punishment it might have a good effect, but the power would have to be most carefully exercised, 4121. Witness does not believe, with offences of this description, that there is any warder who is afraid of performing his duty, but that he performs it most faithfully, conscientiously, and bravely, 4122. In the case which lately occurred of an attempt to murder an officer at Portsmouth, it did not appear that the assistant warder did show fear; the officer himself who had been assaulted was rendered powerless at once; the assistant warder did not show the agility that he ought to have done, but the civil guard O'Neil came up at once and behaved in the most gallant manner; the other convicts did not exactly threaten, but they showed symptoms as if they would assist their comrade, and for that reason the whole of the remissions of every man forming that gang were forfeited, 4123–4125.

In all prisons for public works the arrangement is that a very considerable number of prisoners are confined together, that there is one large hall with cells all fit to accommodate a large number of prisoners; at Chatham the whole of the 1,100 are all under one building in the shape of the letter T, and the doors of the separate cells being open, the whole of the 1,100 men can be together, but they are never opened unless the men are coming out to go to work, 4127–4128. It happened at the time of the outbreak at Chatham, that the convicts closed the doors, so that the well-conducted men could not get into their cells when they were ordered to go there; the effect of the present arrangement is this—that at certain times, for instance, when they march in and out to their work, the whole body of the convicts is collected together, which makes it much more difficult to manage them than if they were broken up into small parties, 4129–4131. It is a great advantage in a prison to break up the prisoners into comparatively small parties, so that they cannot communicate with each other; it enables one to put the idle men together and the incorrigibles, and contributes to the discipline of the whole establishment; such is the case in all public works prisons except Chatham; at Portland it is so, and at Dartmoor and Woking and Portsmouth; Chatham is the latest built prison where they are all together, 4133–4134. At Portland there are four large halls, each holding about 350 men; smaller parties than parties of 350 cannot be made if the prison is full; at Dartmoor there are 254 in one prison and 330 in another; these men, when they go out to work, are all together on the parade ground; and at all the prisons they are together; each man knows his own party, and goes and falls in, and then they are marched off party after party, like a company of soldiers, 4135–4139; it could be scarcely carried on with the present enormous numbers if the men were placed in a situation in which never more than 50 or 60 should be brought together; it would be an improvement; if it could be so arranged, if the prisoners were divided into parties of 400 or 500, who should never have an opportunity of communicating with each other, the labour could not be got out of them that would answer for the public works if they were in such small parties as 100, 4140–4142. An incorrigible ward would not do, it must be a separate building, which at Portsmouth, Portland, or Chatham, would not hold more than 60 or 70 men, 4299–4300. There might be one or two small classes composed of the worst men, for whom arrangements could be made to employ them separated from the others; one of the defects of the public works prisons is that there are no means in each of the prisons of punishing the incorrigible men at the prison; they must be sent back to Millbank for nine months to undergo the whole of their separate confinement with penal diet; it is a well-known fact that a large proportion of prisoners commit offences for the purpose of compelling the authorities to move them away, and entirely from a love of change; whereas, if they could be punished on the spot with a certain number of months of separate confinement in their own prison, there would be far fewer offences committed; when Portland was first established it was intended that there should be a sufficient number of separate cells for that purpose, but it was never carried out, and there are not above 30 separate cells there, 4143, 4145. If the punishment which can be

Gambier, Captain James Mark (Analysis of his evidence)—*cont.*

given on the spot for grave and heinous offences is not sufficient, they are sentenced to bread and water, forfeiture of all remission of sentence and of all gratuities; then the propriety of the man being moved back to Millbank or to Pentonville prison in the more penal class is submitted to the chairman with reasons; if Sir Joshua Jebb approves, a warrant is applied for from the Home Office; this punishment is considered by a certain class of convicts to be the most severe; but it is not so by another class, who will commit offences in order to get removed, 4146–4149. The arrangement which has for some time been in force is that a man can get off the penal-class diet after three months; but he must be in the first stage of the penal class at Millbank for three months, then three months in the second stage; after which, if his conduct warrants it, he is subject to the ordinary discipline of the prison for the remaining three months; he is always sent back to some of the public works; and it is with regard to those men that it is so desirable there should be some prison to which they should go, and not come back to contaminate the rest of the convicts, for they make them worse than they otherwise would be; the great *desideratum* is a separate prison for the worst class of offenders, upon whom the ordinary prison punishment has no effect, and for those men who are constantly re-committed and guilty of crimes of violence, 4150, 4152.

The ordinary prison diet is not excessive; but considering that the prisoners have a hope of a remission of their sentence, the different varieties of diet in the different stages of confinement are not necessary; they might be done away with, and the amount of the gratuities in the second and third stage lessened by one-half; the majority of the sentences being so short the variety of diet is not required, 4153, 4154, 4157. Dr. Baly, who was a most practical man, the medical superintendent of Millbank prison for many years, after the prisoners concerned in the outbreak at Portland were removed to Millbank, examined and re-weighed the men, and they were found to be in a poorer condition as compared with what they were when they left Millbank for Portland, he having selected them himself; he was then only confirmed in what had been his previous conviction, that their diet was no more than a sufficiency, 4155, 4156.

As to whether in these short sentences any remission at all is desirable, we might not give so large a remission as at present; for instance, if a three years man instead of getting six months' remission got three months and could go free without a ticket of leave, he would be in a better position than he otherwise would be with a longer remission and a ticket of leave, 4158. The men who were sentenced to penal servitude between 1853 and 1857 had, as a general rule, no remission, did not conduct themselves satisfactorily in prison; they were not so well conducted as they have been since 1857, and that really was the cause of the outbreak in 1858 at Portland prison; the men themselves said, "We have no fault to find with any of the "authorities of the prison, but we conceive ourselves to be hardly used;" there were three classes of prisoners at that time in Portland prison, the old transportation men who had been sentenced previously to the passing of the Act of 1853, the 1853 Act men, and the 1857 Act men, who were then beginning to come in; when they came into the prison the old convicts (the 1853 men) heard that those men who were under the same sentences were to have a considerable remission of those sentences, and they became discontented; the consequence was that after a time these very men, that is, the 1853 Act men, for whom Mr. Recorder Hill had made representations to the Home Office, were discharged, and it rendered the other men desperate, for they saw that some of their own men, under the Act of 1853, were getting away after 16 months and 2 years, whereas they had to go through the whole of their time; the outbreak had nothing to do with the general discipline; the men said they had no complaint to make, that they were treated with justice, and the only thing they felt was that they were very unfairly treated by the law, not having the same privileges as all the other classes had, 4159–4163. There was the greatest possible difficulty in working the discipline between 1853 and 1857, because there was nothing to hold out to the men—they had no hopes; they knew that if they were ever so well conducted they would have to serve out the whole of their time, and that was the real reason why those different alterations in the diet were made, in order to make it up as a a sort of compensation to them, 4164. The hope of remission, and the probability that if they do not work with a good will the remission will be shortened, has a most admirable effect upon them; if that was done away with one of the most difficult tasks would be to manage a large body of convicts at all, particularly if the discipline was to be made much more penal, such as depriving the men of the privilege of seeing their friends and of writing letters; the power of doing this has been found to be of the greatest effect, far greater than any punishment that could be inflicted, even with convicts of the worst class, 4167, 4168, 4268–4271. But witness is entirely opposed to putting a stop to this privilege

Gambier, Captain James Mark (Analysis of his evidence)—*cont.*
in the ordinary course of things, only to threaten to withhold it in cases of serious misconduct, 4169.

Daily evening chapel service is most objectionable, and every single chaplain in the convict service save one is of the same opinion; the objection is that both men and officers come in tired and wearied after a long day's work, and then they have to clean themselves and get ready to go to chapel; they do it with a bad grace, and it does no good, 4172, 4384. The officers are very much overworked, for their work is on an average 15 hours a day; even upon a Sunday the assistant warders do not get above one Sunday out of three or four Sundays to themselves; about two more warders to every 100 men would be a sufficient addition unless the discipline is to be made very much more penal, and then a larger staff would be required; and it is doubted if then such large bodies of men could be assembled in one prison as now, 4175–4178. Suppose the same number of persons to be sentenced to much longer terms of penal servitude, it would make an increase in the number of prisons absolutely necessary; at present they are pretty nearly always full, except at Dartmoor, for the reasons already stated, 4179–4181. The inspection of the work done at Chatham is by an officer of the convict service, and valued also by the Admiralty engineer; it is reported upon by the governors, but witness, as a director, has no means or knowledge to check the surveys in any way, 4182–4186. Witness is unable to say why at Chatham some labour is valued as task work and some by day work; the shoemakers, &c., only do repairs; the labour at St. Mary's Island is very severe, and the most valuable labour done at Chatham; it would, however, be preferable to value all work as much as possible by task, and as little as possible by day, 4187–4199.

The system of gratuities to the warders is general in the public works prisons, but it is not a very good system to pay a man extra for doing that which he has engaged to do; if his pay is not sufficient, then increase his pay; they are all underpaid; it would be better to increase their weekly pay than make their salaries dependent upon the reports made of their men; the system could be altered with advantage to the service, 4200–4203. As a general rule the warders get the gradations of gratuities to which they are entitled—there are different gradations; they get only a certain proportion, every man cannot be recommended for the higher gratuity, there is only a certain portion of them who can have it; for example, a man who has charge of a working party could be recommended for the highest gratuity, but the assistant connected with him, and who was acting under his instructions with the men, would not be entitled to it; the general rule is, that they get as much as they are entitled to, because they faithfully perform their duty. It would be a very good thing if the gratuity was added to the annual pay, 4204–4207.

The work done by the convicts at Portsmouth is less satisfactory than that which is done at Portland and at Chatham, because it is dockyard work; the men, or many of them, are employed piling up timber, while others of them are harnessed to carts like horses dragging the carts about, that is a kind of work which cannot engage the men's minds nor make them take any interest in the work they are doing; while at Portland and Chatham, and particularly at Portland, the men take the greatest possible interest in their work, and they work like cart-horses; from the fact of one class of work being less interesting than another it must be inferred that the labour is not only less reformatory, but it is less satisfactory in every point of view; it does not do the same good to the men themselves nor to the establishment, in the way of productive labour, 4208–4211. The work at Portsmouth is the most irksome to the individual; but as no man when he is sentenced can tell whether he will go to Chatham or Portsmouth, the deterring effect is out of the question; and now that the Roman Catholic prisoners are assembled in Portsmouth prison and form from 500 to 600 out of the whole 800, there will be much difficulty in managing these men; for now they find that they can get moved into another prison by changing their religion, they change it constantly, 4212–4215. The number of hours actually passed in labour at Chatham, deducting the time occupied in moving to and fro, is about eight hours and 45 minutes; the men who work in the dockyard at Portsmouth may work perhaps a quarter of an hour or 20 minutes longer, but the men at Portsmouth who go to Southsea Common, or who have to go across the harbour in boats to their labour at Haslar Hospital and to the victualling yard, of course would have a still shorter time even than at Chatham, because it sometimes takes them a long time to get across the harbour at Portsmouth; it would be desirable, if possible, that the time devoted to actual labour by convicts should be increased, they are not equal to the number of hours during which free labourers work, 4216–4222. Although the time now occupied by the evening religious service would be more advantageously occupied by out-door labour, it would

Gambier, Captain James Mark (Analysis of his evidence)—*cont.*

not be so occupied in the dockyard, because the convicts' time of working must be regulated by that of the dockyard labourers, and which varies with the seasons; where there is no impediment it would be better that the convicts should pass their time in labour than pass their time in going to evening service; in a religious point of view they do not gain any equivalent for that loss of time, they attend evening service not only without due feelings of reverence, but the reverse, 4223–4232. The amount of labour to be done each day by the convicts at Portsmouth is regulated by the heads of the different departments, and perhaps the head of the boatswains' department, or the heads of the different departments in the dockyard; they give instructions either to the foreman of works or to the principal warders of districts what labour is to be performed; it is a matter of arrangement between the Government authorities and the prison authorities; the facilities for escape at Haslar being very great, only those who can be so far trusted are sent there, 4233–4235. At Portsmouth there is a limited demand for tailors or shoemakers, if there are any convicts who want to get that kind of employment, being of that trade, they are employed, provided they have no prison reports against them; a man must be an exemplary character to be allowed to be employed in the inside berths; it is economical, with regard to the cost of the prison to the public, so to employ the convicts; but looking to the interests of the public in checking crime, it is not desirable that, irrespective of the crime a man has previously committed, he should be put upon light labour of that sort rather than the hard labour which other convicts are undergoing, 4236–4239.

Witness, as a director of convict prisons, is called upon from time to time to furnish a certain number of prisoners for transportation from each prison; Sir Joshua Jebb, as chairman, receives instructions from the Home Office; returns are then obtained from the different prisons, and a class of men is submitted to the chairman for his approval or otherwise, as to who should be selected to go to Australia; the chairman writes to the Home Office saying there is this class of men for selection; the approval or otherwise of the Home Office is signified; then the selection is made irrespective of the men's characters, but not altogether irrespective of their crimes; men who have ever been known to have been in a lunatic asylum, or have ever shown any symptoms of insanity, are not selected, 4240–4242, 4370–4372. The selection of the men rests with witness; in the case of the last ship that went out to Western Australia, it was determined that a certain proportion of the men going should be composed of re-convicted men, men who were licence holders, and who had 18 months and upwards of their sentences to serve, dating from the 1st of July following, another portion was to consist of re-convicted men, not licence holders, who had 18 months and upwards of their sentences to serve, and the remainder was to be made up of long-sentenced men, commencing from life downwards; after those selections were made, instructions were received from the Home Office that the life cases were not to go unless they had served the time laid down in the printed notices to convicts in this country; the selection is made from all the prisons; each prison has its fair share, because the convicts look forward to it very much indeed as a boon, 4243–4250. Five assistant warders went out in the last ship, with 320 men, besides a guard of 50 pensioners, 4369. Re-convicted men are selected for transportation, but it does not always follow that re-convicted men are of the worst prison characters; many of those re-convicted are not so; it might be so supposed that a re-convicted man is a man of bad character, but witness has no instructions to select men of good character; transportation, as it is at present constituted, is a boon, 4251–4254.

A prison expressly for incorrigibles would be a very good thing; the number to be separated entirely from the other prisoners might amount to 300 or 400 altogether in the whole; this class of persons so thrown into a prison for incorrigibles should be subjected to the most stringent penal discipline; in the first place, the diet should be one that would be anything but tasteful to the prisoners, indeed it should be as distasteful as possible, always bearing in mind the prisoners' health; those prisoners should also have work to perform which would not be that kind of work that the prisoners like on the public works, and to work alone; they should not be exercised together, and they should have no remission of sentence; with respect to communicating with their friends out of doors, they might do what the rules now permit, when in separate confinement; after they had been six months in prison, if their conduct was good, and they were obedient to the prison rules, they might see their friends, and write letters, and so on, every three months afterwards; this privilege is the last witness would think of depriving them of, 4255–4271. The bread and water diet is a very deterring punishment provided it is enforced for a given length of time; the way to punish a man really most severely is to sentence a man to three days bread and water, and then to one day full diet; then three days bread

Gambier, Captain James Mark (Analysis of his evidence)—*cont.*
and water again, then one day on full diet; then three days bread and water again, and that repeated; a man becomes awfully annoyed and feels the privation more under those circumstances than if he had continuously bread and water; for the first three days he has a constant gnawing pain, but at the end of those three days the system has become inured to the diet, and the gnawing gets gradually less and less; whereas if at the end of three days he has one day's full diet, the system is restored, and then pulled down again, 4272–4275. The infliction of the bread and water diet as a punishment is not very much limited by medical considerations with able-bodied men; men have never been sentenced to more than 14 days bread and water; when that has been done, the man has been every day visited once or twice by the medical officer, who the instant he thinks the punishment is telling hurtfully upon the man reports it to the governor, and he stops the punishment, 4276–4278.

Corporal punishment whenever inflicted ought to be inflicted with more severity than it is now; as now inflicted it has no deterring or penal effects at all; the change which was made somewhat suddenly in 1862 was injudicious, it did not signify whether it was 36 or 24 lashes; if we flog at all, there should be the power of inflicting the 50 lashes with the naval cat, 4279–4284. But witness is not in general favourable to corporal punishment; it is not the most effectual way of punishing prisoners as a body; at the same time it would be very unwise not to retain the power of inflicting it, and to make it worth retaining it must be made more severe, 4285–4288. Looking to the general character and position of the gentlemen who are placed at the head of these great convict establishments, they may be entrusted with the power of inflicting corporal punishment; there is no fear of its being administered in the heat of the moment, for the governor must record every one of such instances in his journal, which journal witness would have to read on every visit, and it would be his duty to see that the power was not improperly used, 4290–4295. If flogging formed part of the sentence, and the man, when he was sentenced by a judge, was taken back to the prison he came from for trial, and there flogged, for any grave case of violence, it would have a most deterring effect; but I think if we waited until he was removed from a county prison when sentenced, then to go into a Government prison, and then and there to be flogged, it would have a very bad effect indeed, 4296, 4297.

With regard to a separate building for incorrigibles, it should be capable of containing the garotters and those men who have been convicted of crimes of violence, so that they should not come among the mass of prisoners, but be dealt with separately, for by mixing with the other prisoners they harden and deteriorate them, 4299–4302.

There will be no success in attempting to classify the prisoners so long as it is expected to obtain hard labour from them, and whether the labour be remunerative or not the men must be employed, 4303, 4304. More irksome labour than that in which they take an interest might have some effect in deterring men from crime; but although the men work so well as they do at Chatham upon their present labour, yet to most people it would be a most deterring kind of employment; lighter labour, such as that of tailors and shoemakers, is held out to prisoners as a reward for good conduct; a certain number are required to fill what are called the inside berths, and these men are always very anxious to get into them; but the rules are so strict that even if a man has had a report for which he has only been cautioned, it will debar him from getting an inside berth; the cooks, bakers, and cleaners, and washers are also included in the inside berths, 4305–4310. The prisoners are only employed under the superintendence of a free cook, a civilian, in dressing the dinners, and then gangs of men from the different parts of the prison come to the cookhouse to fetch the dinners away; now and then there are a few prison reports of a man concealing his neighbour's potatoes, or hiding a bit of meat in his hat, but it very rarely occurs, 4311–4313. There is very great objection to employing convicts in the dockyards in contact with free labourers; the free labourers bring in tobacco and letters, and anything in short they can bring them; they will also pass out letters from convicts to their friends, requesting those friends to send them money, and the friends send them perhaps a sovereign, the free labourer keeps about 15*s.* of it and gives the other 5*s.* to the man when he can find his opportunity, or gives him tobacco, but that is all the man gets, and it has a most demoralizing effect, 4314, 4315. The difficulty in carrying classification further among the convicts, as being inconsistent with giving them hard labour to perform, would not arise so much at Dartmoor, as a greater number of prisoners could be employed there as agricultural labourers, but the climate is so very antagonistic to any work being done that it would not be advisable to increase Dartmoor prison; there are fogs there day after day, and constantly for

Gambier, Captain James Mark (Analysis of his evidence)—*cont.*

days it is pouring with rain; if, in any rough part of England, a place could be found where they could be employed in reclaiming the land, that would be a great advantage, but it would not be remunerative; they could be classified then with far greater ease than now; agricultural labour is morally good for a man, and is always useful as a preparation for those who go to Australia, 4316–4320. The objection against the men attending chapel in the evening after labour would apply if possible in a stronger way to evening schools; it has never been tried in this country, and witness cannot imagine that it would work very well; the officers are worn out, the prisoners are tired, and the governor would not like to have his men moving about after dark; he is answerable for the safe custody of the men, and he would not know where they were if there were 120 or 130 of them at school, 4321–4323.

Transportation as now conducted has no deterring effect; the criminal population of this country cannot distinguish between North, South, West, or East Australia, and they naturally connect Australia with the idea of gold; if there is no other colony but Western Australia to send a man to, the great thing to do to make even Australia deterrent would be to assimilate the time that the convict has to pass in Australia with that which he has to serve in England before he obtained a ticket of leave; upon every visit witness may make to the different prisons there are probably from 50 to 80 men desirous to see him, and 20 out of those will be always ready to ask to go to Australia in the first ship; supposing a man has worked out three-fourths of his sentence, certain of them still wish to be transported; at present the instructions are that no long-sentenced prisoners are to be sent out until they have performed a portion of the time laid down in the regulations for them to serve; if those instructions had been complied with no men at all could have been sent out; men cannot be found who have served one half of their time irrespective of the time when they were convicted, 4324–4329. If they are compelled to perform the time laid down in these rules not many men who would wish to go out, as they would be so close to their remissions, except they are re-convicted men, and as a general rule a re-convicted man is always glad to be transported, but to the first-sentenced men the boon of a ticket of leave is a greater boon than transportation, provided they have not to perform a very long period of their sentence at home, 4330–4332. If the period to be served in Western Australia, when a man should get his ticket of leave, was assimilated to the time that a man has to serve here, and when it was necessary to send a ship, the men were selected irrespective of the dates of their convictions, and those men found that they were going to Australia to serve all this time—for instance, if a 10 years' man found that he was going to serve seven years and six months of his sentence before he got his licence—that would be most deterring; in short, to make transportation deterrent, you must alter the system and retain a man in the Government employment much longer than you do now after he reaches the colony, 4333–4336. Transportation would be a greater boon than it is now if there were a more rigid system of ticket of leave at home; therefore, if you wish to make transportation more deterrent than it is now, there must be no addition to the restrictions in the ticket of leave at home, 4337–4339. If the men had to serve out the time laid down in these instructions (one half of their sentences), by the time they got to the colony they would be overdue for their licence, according to the colonial regulations, and that is not deterrent; the really deterring effect of the punishment is produced by the period passed in penal labour, whether that penal labour is inflicted at home or in the colony, with this addition, that all re-convicted men are anxious to get out of the country, 4340–4344. Transportation is an additional punishment to the man who intends to do ill, but is a boon to him who intends to do well, 4345–4348. It would have an additional effect in the way of deterring a criminal if the time he must remain in this country in penal labour formed part of the sentence of the judge, 4349.

With respect to classification of criminals, it is desirable that a man, for example, who comes down from Millbank prison should not find himself at work with a man within a few days of his discharge; information is frequently given by criminals from different parts of the country, in consequence of which facilities for crime are afforded; there would be very great advantage if all convicts were obliged to pass the last three months of their sentences in separate confinement, but with such large convict establishments it is difficult to accomplish, 4351–4355. With reference to giving the governors of prisons power to flog, a good effect is produced upon the minds of criminals by having that power placed in the hands of an independent person, and different from one who carries on the ordinary discipline of a gaol, there is a little more solemnity in the inquiry that is gone into,

Gambier, Captain James Mark (Analysis of his evidence)—*cont.*
and it is more dreaded; it might create some bad feeling towards the governor with whom the man was in daily intercourse; there would be no objection to a county magistrate being called in if the law allowed it, 4356–4360.

For idleness a man would be reported to the governor, and the governor would, after inquiring into the matter, give him from one to three days bread and water, and from seven to 14 days half diet, and he would, if necessary, reduce him a class; he might also sentence him to lose from three to 14 days of his remission; all these punishments are recorded; there are very few cases of idleness at Chatham, 4361–4364. If a solitary man was idle he would be reported, and the punishment would be most severe; if a man is in the second or third stage the fact of his being reported would alone send him down for three months in the lowest stage, where he would carry a bad mark on his arm, 4365.

The difficulty attending the evening school would be not only with reference to the officers and the governor, who would be unwilling to have his prisoners out at that time of the night, but the prisoners come in from labour so tired that it would be difficult to make anything of their half-day's schooling; it would be better if there was no schooling whatever when the prisoners come to the public works, but that they should have a great deal more school instruction during the time they were undergoing the separate confinement; why a man who works upon the public works in the winter season, and in short days, should be more incapable of going to school in the evening than a labourer who attends voluntarily an evening school is because one is a convict and the other is free; when these men came in in the summer after they had been working in the quarries, as at Portland, or on St. Mary's Island, as they do at Chatham, they would be hardly in a condition of mind and body to sit down to use a pen or a slate pencil; in the winter time that would not so much apply; when a man comes in from labour now, after he has washed and shaved himself, and had his supper, he has got one or two library books, or his Bible and Prayer-book in his cell, and with his light he can sit down and read there half an hour; altogether any additional schooling would be of no advantage to the prisoner if it took place in the evening, 4373–4383.

In speaking of the incorrigible class as consisting of about 5 per cent., or 400, in that number a proportion of the invalid class, the 1,300, was included, because they would represent a very great number of them; this proportion would hardly include those who are mentally defective, as they are really scarcely answerable for their actions, and could not be put into separate cells, 4385–4389.

The re-convicted men, though not, as a class, bearing the worst prison characters, are the most likely to relapse into crime when they become free, and in selecting them for transportation the men are selected who would most likely relapse into crime if they were liberated in this country, 4390–4392. When Chatham prison was opened, its population was composed principally of men from the hulks, and many others of the worst class; there were a great many of the Gibraltar and Bermuda men, who, as they came home, were and are still sent to Chatham; at the time of the outbreak not many of those hulk men were there, for a great many had gone, but they had left their seeds of mischief behind them; taking the class of men who were then in the prison some of them were very bad, 4393–4396. In the selection of convicts for transportation, instructions are received from Sir Joshua Jebb that so many men are required for transportation; a proposal is made to Sir Joshua whether he will approve of certain classes of convicts being selected, and he, if he approves of it, writes to the Home Office, and submits whether this class of men shall be selected; there are then certain general rules for guidance in that selection; they must be men in good health and fit for labour, also men who have not been convicted of certain crimes, men who have shown no symptoms of insanity, and who must have a certain time to serve in the colony before they can obtain their tickets of leave—these conditions leave a very small proportion to select from, 4399–4405. In selecting people to be transported, no consideration is given to the fact that they have applied to go, though many do apply, and some petition the Secretary of State to be sent out; the main object of that application is to obtain a ticket of leave earlier; they are seldom sent out, out of their turn; these men are aware, generally speaking, of the conditional pardon in the colonies; they are also aware that they get their ticket of leave at a very much earlier period, 4406–4416.

Gangs:
Number of men in, at Portland, depends on the description of work, *Jebb*, 345. Work of, reported by warders, *ib.*, 352. If idle, can be punished for a prison offence, *ib.*, 367. Considerations had in classing men into gangs, *ib.*, 392–397. The warders must use their discretion in reporting the conduct of men in, *ib.*, 398–403.

Garotters should be dealt with separately from the rest of the prisoners; mixing with them, they harden and deteriorate them, *Gambier*, 4301, 4302.

Gibraltar.
Of no value as a place for transportation, *Mayne*, 1705. Men from, as they come home, are sent to Chatham, *Gambier*, 4394. Bad character of convicts sent home from, *Measor*, 5560, 5561.

Gloucester, correspondence with, concerning a convict calling himself William Jones, *Whitty*, 4898–4902.

Golden Bridge:
Refuge for women, under the Irish system; disadvantage of system pursued at, *Jebb*, 610, 645–652. Refuge for female convicts at, *Crofton*, 3440.

"Gone abroad:"
Proportion under the heads of, and "&c.," of convicts released from the intermediate prisons, *Whitty*, 3883–3891. Explanation of return, *ib.* 4417 *et seq.*

Good Behaviour, recommendations for free pardons depended on, *Everest*, 18.

Good Conduct:
A man under a short sentence is absolutely entitled to remission for; but in life sentences no amount of good conduct will entitle him to it, *Waddington*, 474. Of released prisoners under the Irish system, *Organ*, 4493, 4708.

Good-conduct Marks perfectly fallacious, *Smith*, 4952.

Governors of Convict Prisons:
Might have the power to order flogging; *Gambier*, 4072, 4084, 4085, 4289, 4293; investigate carefully cases of misconduct in the prison; should be empowered to award punishments, *ib.*, 4104, 4105.

Gratuities:
To warders at Portland, *Jebb*, 348–366; to prisoners on public works, in proportion to industry, *ib.*, 386, 387. Larger gratuities on promotion for good conduct into higher stages, *ib.*, 405. Paid to ticket-of-leave holders, are paid through the police, *Waddington*, 516. Due to prisoners paid through the Prisoners' Aid Society, *Jebb*, 526, 527. Earned by prisoners at Smithfield and Lusk prisons, *ib.*, 639, 640. Lower in Ireland than in England in the early stages; higher in the intermediate prisons, *ib.*, 728. Would not lower the amount of, in England, except for re-convicted prisoners, *ib.*, 730. Due to prisoners are paid by small instalments, in five or six months; retention of, due to convicts, in the hands of Government, affords an excellent means of control, *ib.*, 731. If carefully administered, as by the Prisoners' Aid Society, saves many from returning to crime, *ib.*, 733; average amount of, *ib.*, 733, 734. The payment of, to ticket-of-leave holders keeps them under the eyes of the authorities, *ib.*, 917. Manner of claiming and payment of, *ib.*, 918–920. Paid by the police, *ib.*, 920. The supervision of the police as to the payment of, really effective, *ib.*, 923. Action of the Prisoners' Aid Society in regard to payment of, *ib.*, 926. Due to convicts, forfeited only for very serious offences, *Powell*, 1390. Diminish the effect of a sentence, *Mayne*, 1597. Now paid through the police in London, *ib.*, 1598. Course pursued in payment of, *ib.*, 1599, 1600. Number to whom paid and refused from 1857 to 1862, *ib.*, 1601–1617. Scale of, allowed in Millbank prison, *O'Brien*, 2059–2063. Allowed to female convicts at Millbank prison, *ib.*, 2114–2117. Payment of, to released prisoners, dependent on certificate of good behaviour, *ib.*, 2116. Given to the warders at Millbank and Pentonville, are seldom withheld, *ib.*, 2282–2287, 2297. To convicts are mischievous, *Kennedy*, 2379. Allowed to convicts in Spike Island prison; less in Ireland than in England, *Crofton*, 3179–3185. None allowed to warders, *ib.*, 3192. Cases quoted of apparent anomalies in granting gratuities to prisoners under the English system; such inequalities could not exist under the Irish system, *ib.*, 3216, 3217. A great proportion, and the whole if necessary, forfeited by a man's subsequent misconduct, *ib.*, 3218. Manner in which men spend their gratuities at Smithfield and Lusk, *ib.*, 3269, 3270. To prisoners are paid in instalments, and in the rural districts by the constabulary, *ib.*, 3353, 3354. Difference in the scale of, in England and Ireland; scale of, in Ireland, *Whitty*, 3687–3695. Average of, in Ireland, half the amount of the English, *ib.*, 3697, 3698. Under the Irish system the gratuities in the latter stage or intermediate prisons are higher than the English, *ib.*, 3700. Received by warders in England, *ib.*, 3842. None in Ireland, *ib.*, 3843. Amount of, received by warders not altogether dependent on their reports, *ib.*, 3844, 3845.
A warder cannot, for the purpose of getting his gratuity, render an inaccurate account of the prisoners' work, *Gambier*, 4036–4040. The system of, not good, and could be altered with advantage to the service; not every warder gets the maximum allowance; should be added to the salary, *ib.*, 4200–4207.

Gratuities—*cont.*
To convicts are sometimes paid at once to the men, *Whitty*, 4441. Applied to the payment of passages to America, &c., *ib.*, 4440–4442. In Ireland are paid by police, *Organ*, 4596. Remission of sentences better than gratuities, *ib.*, 4682. Amount of, allowed to prisoners in Brixton, *Moran*, 4762. Prisoners who are recommended pay into Prisoners' Aid Society, *ib.*, 4798. Payment of, to Aid Society quite voluntary, *ib.*, 4795. Payment of, due to convicts to the Discharged Prisoners' Aid Society, *Ranken*, 5327–5332, 5380–5385. The system of allowing gratuities to warders very objectionable, *Measor*, 5438, 5439. Gratuities to warders an inducement to do their duty, *Evans*, 6054.

Grave offenders :
Special prisons and stricter discipline should be established for, with little food and long sentences ; it would be preferable to transporting them, *Crofton*, 3412–3416. To send such to a colony would be to increase offences, *ib.*, 3416.

Grey, Sir George :
Circular of, describing the Act of 1857, and the remissions to be granted in future, *Everest*, 74. Has recently determined that no convict sentenced a second time to penal servitude should be discharged a second time by licence, *ib.*, 78.

Gruel made of coarse oatmeal more palatable and wholesome than when made of other materials, *Guy*, 2963.

Gurney, Sidney, Esq. (*Analysis of his evidence*):
Clerk of Assize on the Western Circuit for 27 years, during which time there has been a decrease in the severity of the punishments, 1845-1847. The minute book of the Western Circuit shows that in five years from 1838 (the year following that in which capital punishment for several offences was abolished) there were 79 convictions for robbery, 66 sentences of transportation, the average duration being 18 years 2 months, and 13 sentences of imprisonment, averaging 11 months; in six years ending 1862 there were 115 convictions for robbery, 52 sentences of penal servitudes averaging 6 years 2 months; 63 sentences of imprisonment averaging 12 months 2 weeks; of burglary from 1838–42 there were 121 convictions; 89 sentences of transportation, averaging 15 years 10 months; and 32 sentences of imprisonment, averaging 9 months; from 1858-62, 180 convictions, 63 sentences of penal servitude, averaging 4 years 9 months, and 117 sentences of imprisonment, averaging 9½ months; for forgery, from 1838–42, there were 15 convictions; 9 sentences of transportation, averaging 13 years 2 months, and 6 sentences of imprisonment, averaging 8 months; from 1858–62, 52 convictions; 21 sentences to penal servitude, averaging 5 years 4 months; and 31 sentences of imprisonment, averaging 8 months 2 weeks; of convictions for larceny after a previous conviction from 1838-42, there were 124; 85 sentences of transportation, averaging 12 years, and 39 sentences of imprisonment, averaging 9 months 1 week; from 1858-62, 120 convictions; 21 sentences of penal servitude, averaging 3 years 11 months; and 99 sentences of imprisonment, averaging 6 months 5 days; transportation for life has been estimated at 25 years in forming the averages, 1848-1854. Imprisonment has decreased in length in the ratio of 9 months to 6, for larceny after previous convictions, 1855, 1856 The Act of 1857 gave a power of sentencing to longer terms of penal servitude, and notice was given to the judges that a portion of that would be remitted in case of good conduct ; notwithstanding this, the average of 260 sentences of penal servitude passed in the three years after 1857 had diminished by 1¼ years, so that the law was made more severe or less so according to the discretion of the judge, and the practical result is shorter sentences, 1857–1861. There are now sentences of imprisonment passed in cases of violence where the criminals 30 years ago would have been left for execution, 1862. Sheep stealing is greatly diminished compared with what it was, so also have horse and cattle stealing, which were all formerly capital offences, owing to the increased efficiency of the country police, 1863–1866, 1878–1881. There is great variety in the sentences passed for offences committed under similar circumstances, without any reason for the difference ; rape is one instance in which some judges pass a very severe sentence and others a moderate one, but the discrepancy applies to all classes of crimes, and has existed to such an extent that while one judge would inflict imprisonment, another would inflict penal servitude, 1867–1871. It is very difficult to come to any conclusion as to the deterring effect of transportation as compared with penal servitude, 1872. Appeals for mercy after sentence are more common now than ever they were, 1874. Until last year adults might be sentenced to be imprisoned and whipped upon conviction for larceny, but it was not done in practice ; at the assizes, in the case of adults, whipping never formed part of the sentence, 1875–1877. It is difficult to say whether crime in the Western Circuit has decreased or not, as there are more cases now cognizable by the sessions, and the

Gurney, Sidney, Esq. (Analysis of his evidence)—*cont.*
number of convictions also affects the calendar, but judging merely by the circuit crime has decreased, 1882–1884. The proportion the number of convictions in cases of robbery, burglary, and forgery bear to increased population ought to be considered; witness merely states the absolute increase without comparison, 1885–1887. With regard to re-convictions, the general establishment of the police throughout the country has undoubtedly given great facility for discovering former convictions, although there has been of late more unwillingness on the part of the police and gaolers to give evidence respecting a former conviction than there was formerly, which is attributable to the low scale of allowances, 1888–1893. The allowance to governors of gaols has lately been doubled, 1894–1895. Though the table itself is arbitrary, the application of it by the Treasury officers may not be, 1896–1898. Never heard a judge explain that after a certain time the imprisonment might be relaxed and tickets of leave substituted, 1899.

Guy, William Augustus, Esq., M.B. (*Analysis of his evidence*):
Medical superintendent at Millbank prison nearly four years; succeeded the late Dr. Baly, 2950–2954. His duties are confined to Millbank prison, but is generally consulted by the Directors of Convict Prisons on questions affecting the health of prisoners or prison officers, 2955. Has given particular attention to sanitary questions, to the health of the convicts, and to their diet, and in a report upon that subject to Sir Joshua Jebb has arrived at the following conclusions: 1st. That the existing dietaries of Millbank prison are sufficient for the maintenance of health, but that they may possibly admit both of modification and reduction; 2d, that the improvements lately made in the prison obviate the idea that the site of the prison is unhealthy, and therefore the allowance of bread in the ordinary prison diet should be reduced to the standard of Pentonville prison, namely, 20 ounces per diem in lieu of 22 ounces; 3d, that the soup which used to be given twice a week, but was exchanged for meat in the cholera year 1854, should be restored (this would not be an inferior diet but more varied); 4th, that on the two days when the prisoners would have soup for dinner, brown bread should be substituted for white, in order to meet the symptoms of indigestion and constipation prevailing in the prison; 5th, that the gruel should be made henceforth of one and the same material, namely, coarse oatmeal (this has been already adopted); 6th, that the present penal-class diet, often proving more acceptable to prisoners than the ordinary diet, seems to require some modification; it contains more nourishment than is necessary for a class of prisoners who lead a life of comparative idleness. The reasons for these recommendations are given in the report at full length, 2956–2968. Millbank prison is now sufficiently healthy to admit of the same diet, with regard to bread, as at Pentonville prison, 2969. If these alterations were made witness would not then be quite satisfied that the diet was not excessive, but would prefer to wait for further experiments. If the allowance were less than 20 ounces of bread per day, and it were brown bread, it might prove quite sufficient for the maintenance of the health of the prisoners; white bread is not so nutritious as brown bread, and brown bread is cheaper than white, 2970. Prison diet should not afford any pleasure to the prisoner, but it should not be repulsive, 2971. The sameness of diet is carried too far in Millbank prison. They have there every day five ounces of meat, weighed after being cooked; the same meat, beef, boiled, weighed after cooking, and served up with the liquor of the same beef; and the result of experience is that after a time many prisoners begin to complain of indigestion and to ask for a change; the better class of prisoners will do that; then he is put on a little rice pudding for three or four days, after which he comes back to his old diet again, but it is too monotonous. Instead of meat seven times a week, it should be supplied only four times a week, which would correspond with the diet for county prisons, then soup two days a week, and on one day it would be desirable to give the prisoners a pudding, made either of Indian meal and milk, or a suet pudding, 2971–2975. On the whole the prisoners under the ordinary diet increase in weight and certainly improve in health, 2976. They vary very much in health according to the prisons from which they come; as a general rule, they come in in a tolerably fair state of health, 2977. It is impossible to ascertain whether the average amount of sickness among the prisoners is greater or less than the average amount of sickness among persons of the same age engaged in the ordinary occupations of life, because there is no standard of sickness outside with which to make the comparison. A census of the population in all the convict prisons in England was taken on the 31st March in last year at the suggestion of witness, from which it appears that the mortality among the prisoners, taking all the convict prisons together, is very favourable. In the case of the men it is not inferior to that of any class with which it would be reasonable to compare them. In the case of the women the mortality is a little higher, women suffering

Guy, William Augustus, Esq., M.B. (Analysis of his evidence)—*cont.*
more from imprisonment than men, 2980. A comparison of the tables of dietary at Pentonville, Millbank, Portland, Portsmouth, and Chatham prisons, and Dartmoor and Woking invalid prisons; anomalies in the tables, 2981–2988. Witness is acquainted generally with the nature of the work done at the several prisons, but has never been in any except Woking, 2989. The diet at Portland is decidedly excessive for any amount of work that could be got out of prisoners by any contrivance that could be adopted, 2990. There is a limit to the quantity of work that can be got out of prisoners, as compared with ordinary labourers, for this reason, that the warder who has to look after the prisoners is himself in fear of two things. First, if he reports many prisoners it will be thought that he is rather inefficient as an officer in having to report them, and that there is something wrong in his management; and if he does not report them, or is disposed not to do so, the men soon get to know that they may do almost as they please, and they practically do very little work—not hard work. The diets in the public works prisons go beyond the necessity of the case. Upon the Millbank dietary a healthy prisoner will do all the work which is required of him, or is likely to be got out of him, and if carried beyond that (as a matter of opinion) it may be considered excessive. There are men at Millbank who are fed upon this diet, and who do a good deal of hard work in and about the prison, 2991–2995. It is not necessary, but it is extremely convenient, to have the same diet for all the prisoners who are in health. It would be very embarrassing to be obliged to separate prisoners in the same prison into groups, according as they differ from each other in their degrees of health and vigour; statement of the great variety among prisoners in that respect. A dietary therefore must be provided which shall not be wholly unsuitable to this mixed population; and the difficulty is that there is no authority to separate them into groups, but they must be treated together, so long as they are not subjects of the infirmary. This is one difficulty in establishing a proper prison diet. To those actually in the infirmary the surgeon gives a diet, and almost any article of diet, appropriate to their condition, 2997, 2998, 3002. The invalid prison at Woking is set apart for those who are seriously ill; those who are less unhealthy are sent to Dartmoor, 2999–3001. There would be a difficulty, and there would be no advantage, in having some greater variety of dietaries upon which the medical man might put the different prisoners, according to their age and condition; it is better to find a suitable dietary which will serve for one with the other, provided they are not ill, but only of weakly constitutions, 3004, 3005. The average diet is more than is necessary for some and not so much as is necessary for others; but if the test of weight can be trusted, the present diet is sufficient for two very distinct classes of prisoners, mat makers and tailors. At Millbank 25 men engaged in mat making, and 25 other men employed as tailors were weighed. The mat makers do the hardest work, and the tailors, perhaps, the lightest work in the prison. They had all the same prison dietary, and all of them were healthy. At the end of five weeks the mat makers had gained, one with another, on the whole, 1 stone 6 pounds; the tailors had gained 2 stone 7¼ lbs.; therefore there is a presumption that the dietary was good enough for both, 3006. Further statement on this point, 3037. The prisoners in general consume all their allowance; there is a little bread left on the women's side, and a little occasionally on the men's side, which is put into the broth the following day; generally speaking, it is all disposed of, but that is no test of the sufficiency of the diet, or the reverse, 3007–3009. Witness makes comparative statement of the dietary at Millbank and Pentonville with that recommended for county prisons under Sir James Graham, and the dietaries of soldiers on home service, of seamen in the Royal Navy, and of paupers, showing that the latter have a total of solid ounces of food a week less by 100 ounces than any of the other classes, and although their dietary may have more variety it is less nutritious, being so much less in quantity, it being understood that the pauper has little work to do, and it is assumed that prisoners do more work than paupers, 3010–3019, 3039–3041.

It is not necessary to increase the diet allowed in Millbank prison, even if the prisoners were in the habit of remaining in that prison longer than they do; the general question whether imprisonment for a long period of time in Millbank or Pentonville prisons would make a more nourishing diet necessary is a very difficult one to answer, 3022–3026.

The experiments made at Pentonville prison on this question ought not to be deemed conclusive; details of the experiments, and reasons for thinking them inconclusive, 3027–3033. Men lose and gain weight quite irrespective of the sufficiency or insufficiency of their dietary; the effect does not depend entirely upon either the dietary or the dispositions of the men, but upon causes which are beyond our power to ascertain, perhaps, not that there is anything which could not be

Guy, William Augustus, Esq., M.B. (Analysis of his evidence)—*cont.*

ascertained by very well devised experiments, but it is almost beyond our power to ascertain what all the causes are, 3934–3036. The state of the atmosphere has an effect on this point, 3038.

Judging from one example, the diet of agricultural labourers is very short of the diet of the Portland prisoners, 3043, 3044. Agricultural labourers are hard-working men, and the labourers at Portland are not hard-working men, 3045. The only depressing circumstance connected with prisoners would be that they are prisoners and not free men; except that, matters would be cheerful enough with them, 3046. Witness can imagine no reason whatever for feeding prisoners very much better than ordinary labourers, 3047.

Further experiments ought to be made to ascertain whether a dietary might not be hit upon for prisoners employed on public works nearly approaching to the dietary of free labourers, and then to see whether it would answer in preserving their health, 3048. There are no articles of food less palatable than those prisoners now get, 3049. The first principle in all dietaries without exception is, that there should be a proper amount of potatoes at all times of the year; it is the anti-scorbutic quality of the potatoe which is so important, and whenever the potatoe element has been decidedly deficient scurvy has broken out; Dr. Baly supports the same principle; other vegetables will answer the purpose, but the potatoe is the most convenient to be given to masses of men, and as a general rule it can be most constantly given, but it should be considered a *sine quâ non*, either that or its equivalent in other vegetables; the potatoe should be made the starting point in all dietaries, 3049–3054. In prisons brown bread should be used instead of white, because the outer portion of the grain which enters into the whole flour as one of its constituents is more supporting and more nourishing than the mass of the flour, and it is inexpedient to take it out; it is also desirable in all prisons, without exception, that they should grind their own wheat, for there is a want of labour; in many prisons, where prisoners ought to be put to hard labour, it is hardly possible to find work for them, and this grinding process would add to the general amount of labour in prisons, and effect great economy; there is no practical difficulty, but upon medical and economical grounds it is very desirable to substitute whole meal bread for the white bread that is now in use; it is very wholesome and more nutritious; less of it may be given with a better result, 3054–3057. Indian corn meal is used as a penal diet in the penal class; the prisoners have for breakfast 10 ozs. of oatmeal made into a large mess of porridge, with 10 ozs. of milk; they have at supper 12 ozs. of bread by itself, and at dinner they have 10 ozs. of Indian corn meal with 20 ozs. of milk made into a very good pudding, and eight ozs. of potatoes; they are sometimes kept a considerable time upon that diet; one man was for nine months continuously upon that penal-class diet, and he is in extremely good health and as troublesome as he is healthy, 3058–3062. Meat is not very much valued by the convicts generally, they have the same meat every day, and get tired of it, 3063. The Indian meal is a cheaper diet than the other diet; there is a considerable quantity of oatmeal in that diet used as porridge, with 10 ozs. of milk, and it is a very nutritious article of food, 3064–3067. Other cases of prisoners kept on penal-class diet, all of them in unimpaired health; the women in the penal class are weighed every month; the penal diet appears most healthy and agreeable, and that is one of the many mistakes which have been made in the matter of dietaries, 3070, 3071. There is a punishment diet besides a penal diet, bread and water only, and the dark cells, which, generally speaking, is not any punishment to the women, 3072. The women do not care about bread and water for three days, nor the men either; they will bear it for a longer time without caring much about it; it might be continued longer than at present; there is no reason why it should not be continued for some such time as three weeks or a month; there would be no harm if every prisoner who was sentenced to less than a month was put on bread and water wholly, and if every prisoner whose sentence exceeded a month was put on bread and water for the first month, the extreme monotony of it would be felt as a punishment, 3073–3076.

Agricultural labourers, who have a smaller quantity of food, get beer, which in some degree serves to make a smaller quantity of food more nourishing; there is no doubt that a variety of diet is better, upon the whole, for all persons than a monotonous diet. The diet adopted in Devizes house of correction, by which the prisoners were preserved from scurvy and dysentery, consisted of 196 ounces of bread per week, and 112 ounces of potatoes, that is 1 lb. a day, giving a total of solids of 308 ounces in the week, with the addition only of 7 pints of gruel. On Wednesdays and Fridays vegetable soup was substituted for potatoes, so that the diet consisted of $1\frac{3}{4}$ lbs. of bread a day, 1 lb. of potatoes, a pint of gruel, and on two days in the week, in lieu of the potatoes, a vegetable soup, with no meat. The

Guy, William Augustus, Esq., M.B. (Analysis of his evidence)—*cont.*
prisoners were weighed on their entering into the prison, and on their discharge; with 27, the average gain in weight was 3 lbs. per man. Two other prisoners after 18 months had gained, on an average, 6 lbs., and 20 prisoners, who were confined for 12 months, gained on an average 5 lbs. at the end of the 12 months. Four other groups of prisoners gained also in weight; and it is to the element of potatoes in their diet that the absence of scurvy or any other disease is to be attributed, 3080, 3081. In Millbank the dietary, which was reported as being excessive, contained only 3 ounces more of solid food per week than the present dietary does; that dietary was reduced, not by the medical superintendent, but by the committee. The bread was retained, but the meat element was reduced from 24 ounces down to nothing, and the potatoes were entirely abolished; the result was a frightful epidemic of scurvy and dysentery which raged in the prison among the prisoners, 3082, 3083. It is most essential that potatoes, or something equivalent to them, should always exist in a dietary. Dr. Baly, as already stated, from very minute inquiries made in prisons and workhouses, came to the same conclusion, and he thought it essential that from three to six pounds should be allowed in all dietaries every week. There is no vegetable which would quite take the place of potatoes, they seem to be particularly suited for the purpose. The potatoe contains a good deal of starch, and a certain acid in combination with potash, which is known by experiment to be a cure for scurvy, and therefore may be supposed to prevent it. Onions are rather too savoury to be largely used in prisons, but they are very nutritious, and would have the effect of preventing scurvy, 3084–3087. Dietaries of different county prisons described, 3088. Comparison of Millbank and Pentonville dietaries with them, 3089. The penal-class diet of women at Millbank, like that of the men, consists in part of the Indian meal, but the women's diet is slightly modified, 3090.

Statement of the cases in which insanity was represented to have broken out in prison, and the cases in which it was alleged or believed to have existed prior to the reception of the prisoners, for 10 years:—At Millbank and Pentonville prisons, taken together, in which the separate system prevails, in 35 out of 100 of those who become of unsound mind that unsoundness of mind was supposed to have commenced within the prison. There were 46 in whom the unsoundness of mind was believed to have originated in the prison, against 86 in which the unsoundness was believed to have existed prior to their reception. At Portland and Portsmouth the proportion of cases believed to have originated in prison was 64 per cent.; the proportion of the prisoners become insane, whether they have become insane in prison or not, as compared with the total number of the prisoners is about one in 500 of all the prisoners, 3090, 3091. There is not sufficient evidence to show that the system of separation in force at Millbank prison is productive of unsoundness of mind, 3095. The separation is, on the average, about five months; at Pentonville prison it may be rather more; imprisonment for that duration of time does not weaken the mind at all. The nearest approach to strict solitary confinement is among men and women who are put into the penal class on the penal-class diet; the prisoners are always seen, but they are very much separated, 3006–3100. The chaplain visits them occasionally, but it is of little or no use to remonstrate with them. Very few of the prisoners show signs of grief or depression. There are somewhat more women than men who do so, but there are very few indeed who show that they are sorry that they are there, 3101–3103. A few of the women grieve. The women's domestic ties are perhaps closer, they are more broken down by imprisonment then the men, and their mortality is a little higher than amongst the men, 3107. Some of them are anxious to get transported, especially those who have received long sentences; they want to get away, and get a new chance in a new sphere. Long confinement and employment on the public works is not dreaded by them; they prefer transportation, but they do not much dread anything, 3104–3106. Some injury to health arises from the repeated punishments which the worst class bring upon themselves, both of the men and the women. Witness is a strong advocate for flogging on medical grounds, because it is the most merciful punishment of which he has any knowledge. Unfortunately it applies only to the men. As to those women who are given to tearing clothes and smashing windows; if they are put into a dark cell, they shout and sing; they know there are prisoners not very far off them who can hear their noise; and if it were possible to inflict upon them some short bodily pain, it would be much more merciful; in the case of the men flogging is particularly advantageous, 3107. Captain O'Brien thought it would be well to introduce the stocks, and something of the sort should be adopted. The worst punishment that can be inflicted on a woman is to put her into a dark cell for three days with bread and water, and she comes out at the end of that time, and very soon goes back again;

Guy, William Augustus, Esq., M.B. (Analysis of his evidence)—*cont.*

She is conscious that there are people in her neighbourhood who will be worried by her noise, and there is no place, unfortunately, to put her where she will not be heard; what is wanted is to keep her in a cell where she will not be heard, or place her in the stocks; and, again, if you put a woman into the stocks so as to prevent her from lying on the floor and drumming with her feet against the door, she still retains the use of her tongue, and will make a great disturbance, especially if she knows that the officers are sleeping near her, or that there are sick prisoners near at hand; there are no cells at Millbank prison out of hearing; they are out of hearing of the neighbourhood, but not out of hearing of the prisoners; cells that would be so isolated that a woman might know she was alone and disturbing no one would be very desirable, 3108, 3109. No punishments are ever inflicted in Millbank prison except in extreme cases; floggings take place about six or seven times in a year, 3110. There has been a recent restriction put on the power of flogging; a soldier or sailor may receive 50 lashes, but a prisoner, although he may be a far worse man and just as strong, can only receive two dozen; the flogging is an effective flogging; witness would not wish more than 50 lashes given, and if soldiers and sailors receive 50 a prisoner ought to have as many, 3111–3114. Flogging has a deterring effect upon the prisoners, and it is witness's deliberate opinion that flogging is the most merciful punishment we have, for this reason—a man who has made up his mind to be troublesome cannot be troublesome to others without being extremely troublesome to himself; if he is put on penal diet as a punishment, he frets and gets irritable, threatens every one about him, and sometimes strikes the officers. Such a man as that does not like to be flogged, and if he is flogged it is very soon over and does not hurt him beyond the pain at the time. Flogging acts like a charm with some of them, and does no permanent harm; it is impossible to degrade them, 3115–3117. For the women the stocks would be useful, because the women have a plan of drumming against their doors; they lie down on their backs and kick as hard as they can, and disturb everybody about them; the stocks would prevent that, and if after being put into the stocks they persisted in making a noise, the stocks should be carried to a place where their noise would be of no consequence, 3119. It was till lately a very common offence on the part of the female convicts to tear up their blankets, and yet invariably when they have done that new blankets are given to them; now it is desirable that a prisoner should always feel the effects of his own misconduct wilfully brought upon himself, but this he does not do at present, for the theory is that the medical men are bound to do all they can to prevent a prisoner from hurting himself; more than that, they have the fear of a jury if anything should happen, which jury would probably consist of the petty tradesmen of Westminster, and would be apt to contain at least some friends of the criminal class, 3120, 3121.

The strain upon the minds and bodies of the female warders is greater than it ought to be; their work is extremely difficult and sometimes dangerous, and they are not always sufficiently considered; recommendations for an improvement in their quarters have been often made, which have not been so promptly considered as they would have been if they had been prisoners and not warders, 3122, 3123. It is of great importance to have really efficient warders; everything in prison discipline depends upon it; there are not enough warders, either male or female, in Millbank prison, and their hours of attendance are very long, 3124–3126. It would be better to send all the females to Pentonville prison, and to have Millbank devoted entirely to men, 3127. There are generally in Millbank prison about 20 women and 15 men undergoing penal-class diet for misconduct; the women come from Brixton, and the men from all the prisons in the country—from Dartmoor and the other prisons, 3129, 3130. If it was thought desirable to extend that period of detention in Millbank prison, there would be no difficulty on the score of health in keeping the prisoners there; a prisoner might be subjected to the dietary of Millbank and Pentonville prisons without injuring his health, for a year certainly, and possibly for more than that, 3131–3133. Witness derives his impression that there was no very hard labour to be got out of the prisoners on public works mainly from reading, and from conversation with persons who have been at the public works prisons, 3134. All cases of suspected insanity are sent to the infirmary, in order to be put under observation, and have it determined whether they are of unsound mind or not; it is often very difficult to do so, for a very perverse and wicked man would put on what would be incredible to anyone else, and will do things that would be taken as certain evidence of unsoundness if done outside; an example cited, which was cured by a resort to what may be called "contingent punishment," such as making him go without dinner on refusing to do certain tasks; contingent punishments are, in witness's opinion, the best of all punishments in certain cases, and ought to be legalized, 3135, 3136. There is some doubt

Guy, William Augustus, Esq., M.B. (Analysis of his evidence)—*cont.*
about the director himself having power to order these contingent punishments at present, and there ought to be in a matter of that kind a little more latitude, 3137, 3138. Flogging cannot be inflicted by the order of the governor, but requires the authority of one of the Directors of Convict Prisons; such an arrangement does not materially interfere with the utility of the punishment; prompt punishments are better than others, but it is not of importance; the administrators of prison discipline should not have too much power of acting on the spur of the moment, 3139, 3140. A case cited of a man of filthy practices on whom the dietary punishment had been tried long enough, and had failed; if it had been said to this man, "Whenever you do this you shall receive 12 lashes," he would have soon ceased to do it; another case cited of a woman simulating imbecility, who at the end of five months got tired and confessed her deception, and she hoped she should not be punished; again, there was a man who had sewn his mouth and eyelids up with a needle and thread, 3142, 3143. Their extreme violence is not inconsistent with the statement that they do not grieve much over their punishment; on the contrary, they are prompted by their perverse and irritable tempers to give trouble to those who are placed over them; the outbreaks of the women may, perhaps, be caused by impatience of confinement; they feel their separation more than men do, and become tired of the inaction of the life they are leading, 3143, 3144.

Habitual Criminals in Ireland, *Crofton*, 3404–3407.

"Habitual Offenders," explanation of the term as understood by witness, *Crofton*, 3466.

Hampton, Mr., governor of Western Australia, opinion of, as to selection of convicts for transportation, *Jebb*, 775–777.

Haulbowline, employment of prisoners at, *Crofton*, 3219–3221.

Health:
Improvement of prisoners' health under ordinary diet at Millbank prison, *Guy*, 2976. General state of, of prisoners coming to Millbank prison, *ib.*, 2977.

Henderson, Colonel Edmund Y. W., R.E. (*Analysis of his evidence*):
Comptroller of convicts in Western Australia from the commencement of the penal establishment in that colony until 1863, 6118, 6119. Witness took out the first batch of convicts that were sent to the colony, and has had charge of all measures adopted for the control of convicts and for disposing of them there, 6120, 6121. Concurs generally in the opinions expressed by Capt. Kennedy as to the success of the experiments, 6123. If convicts had not been sent to the colony, it would probably have been given up altogether, and all the inhabitants who could would have left it; the effect of sending convicts has been greatly to increase the prosperity of the colony, 6124–6127. With regard to the conduct of convicts after release from actual coercion, the success of the system has been extraordinary; nobody would believe the peace and quiet prevailing in the colony who did not go there, a result attributable partly to the system adopted in the management of the convicts, and partly to the fact that a new climate, a prospect of getting an honest living, and the utter impossibility of escape from the colony, altogether change the men from what they were in England, 6128, 6129. The ticket-of-leave system has always been a reality in Western Australia; the men were confined to certain districts, and if guilty of any irregularity were immediately returned to the convict establishment, while if they behaved well they knew that they had, in the officers in the colony, friends who would promote their welfare; to men who were in the first instance transported to the colony their great punishment was being removed from the land of their birth and from all their associations, and as long as they would show that they were really anxious to do well every inducement was held out to do so; on the other hand, if they were not likely to do well, they received far more severe treatment than they ever got in other colonies, so that by these means a great influence over their minds and conduct was acquired, 6130–6133. Would be very sorry to see the power of granting conditional pardons entirely suspended; licences to be at large should be issued at the same period as the men now get conditional pardons, and conditional pardons should be entirely a special act recommended by the governor to such men as he might think deserving of that boon, 6134, 6135. There would be no difficulty whatever if 1,000 men were sent annually to Western Australia to serve for various periods on the public works, and then be discharged by degrees; as long as they were kept under restraint of the Government there would be no difficulty in providing for the accommodation and employment in profitable labour for even a larger number, 6136–6141, 6265–6268, 6312–6314. If 1,000 convicts per year were sent, about that number would be discharged annually with tickets of leave, 6142. In the present state of the colony the labour market would absorb 1,000 ticket-of-leave convicts, provided there was

Henderson, Colonel Edmund, Y. W., R.E. (Analysis of his evidence)—*cont.*
a certainty of the continuance of the system; the uncertainty has been a great check to enterprise since 1853, 6143, 6144. The colony is now more able to receive ticket-of-leave men than it was when convicts were first sent there, the labour market having been very much enlarged since those days, and no doubt the demand for labour would continue progressively to increase if the system of sending convicts was to be permanently kept up, 6145–6148. Description of the nature and extent of country where convicts might be employed, the kind of labour required by the colony, and the fitness of convicts for the same, 6149–6160. The prison at Fremantle has never been above half full except upon the arrival of a ship, 6161. Convicts whose conduct is most satisfactory are employed on the road parties, which were used rather as probation than punishment; about one warder to 30 men is allowed; they have no guard or protection of any kind; the work was always carefully measured; any misconduct of the convicts was severely dealt with, and if they behaved well they got extra remissions, 6162. The prisoners in the first instance were kept at Fremantle for a short time; the differences which there were in the mode of dealing with them from that adopted at home were pointed out to them, 6164–6168. There are three scales for tickets of leave and conditional pardons; the principal scale, which was adopted in 1859–60, provides for release on ticket of leave at an earlier date than in England, and release on conditional pardon at an intermediate date between ticket of leave and freedom, 6169–6171. If conditional pardons were abolished, it would throw an additional number of men on hand who were sick or out of work; when a man gets a conditional pardon we know nothing more about him, and he comes upon the colony if he is in distress or sick, 6172, 6173. If the convict system is made permanent it will not signify much whether the convicts are allowed to leave the colony or not, 6174. The number of conditional-pardon men who have left the colony has been exaggerated, but there is no record of them, and it is a point upon which nobody can speak with certainty: on account of the mischief done by them in Adelaide and Melbourne express Acts were passed to keep them from those places; no ships will take them to any of those colonies, 6177–6190. The labour market has so changed that there is not so much necessity for an outlet for the convicts as in 1858–59; many persons, some of whom had been convicts and some not, have returned to Western Australia, and the accounts which they have brought have tended to stop the desire which there was to go to other colonies, 6191, 6192. Those who had been convicts were not all subject to penal consequences by being in the other colonies, for where they got ashore they were like other people, 6193. 1,000 or more convicts might be sent annually, without the outlet given by a conditional pardon if the system were made permanent, 6194. The agricultural progress of the colony depends upon the success of any explorations which may be made inland; to the southward there is ample grazing ground for all the cattle likely to be required for consumption, and there is a very fair amount for sheep, and an excellent quantity of land for breeding horses, 6195. So far as sheep are concerned the progress of the last 10 years has not been great in comparison with the other colonies; but other branches of industry, such as horse-breeding and the culture of the vine, would be sufficient to employ a large increase of labour, 6196–6199, 6325–6331. Horse breeding is one of the great stand-by's of the colony, 6201, 6269–6289. The mineral resources of Western Australia are of great importance; an instance in the case of a mine recently sold in the English market for 80,000*l.*, which has been worked from 1858 or 1859; there are several other mines being worked, but the difficulty is to get capital into the country, 6201–6209. At one time a considerable number of convicts were employed upon the Jarrah timber, and those operations were alike unsuccessful from the want of capital, but if the speculation in the case of the mine previously mentioned turns out profitable, and the convict system is permanent no doubt English capital would flow into the colony, 6210–6215, 6315–6319. Convicts on their discharge in Western Australia generally follow the pursuits to which they have been accustomed before they get into prison, 6216. Very few of the conditional-pardon men are unemployed, 6217, 6218, 6220. There are very few paupers in the colony; conditional pardons were never issued except to those able to support themselves, 6219. The average time the men are employed upon public works before they obtain their ticket of leave varies according to the length and date of their sentence, 6222. It would be very inadvisable to send out men at such a period of their sentence that it would not be possible to employ them for any length of time upon public works; a man before he gets his ticket of leave ought to be employed upon the public works in the colony, for an average of at least 15 to 18 months, 6223–6227, 6234–6255. The men are sent on the public works immediately they come ashore, precisely the same as at Portland; they work somewhat better when they first

Henderson, Colonel Edmund, Y. W., R.E. (Analysis of his evidence)—*cont.*
come than afterwards, 6228–6230. Hitherto there has been no serious evil from a deficiency of females but there is a great disparity of the sexes in the colony; with an increased number of convicts the Government would be ready to send an increased number of female emigrants, 6231, 6232. There is a very strong feeling in the colony against sending out female convicts 6233. The men sent from England on ticket of leave were originally sent out to be employed on public works, but that has been discontinued for some years, 6236, 6237. As a rule, the ticket-of-leave men find private employment, if out of work they are obliged to go to a depôt until hired again, and during that time they are employed on the public works, but receive no pay, only rations, and that system has not been found open to objection, 6238–6241. Some few of the convicts find their way back to England, but that is a very small proportion; they prefer remaining in the colony; any idea which may prevail of a considerable number of convicts finding their way to the other Australian colonies is a misapprehension, especially of late years; the only steamers which run between Western Australia and the other colonies, positively refuse to take conditional-pardon men on board on any account, and the few ships which go from the other ports are afraid to take them, the penalties being so heavy; in fact the impediments are such that escape by sea is very difficult; migration to other colonies by land is physically impossible; the distance is about 1,200 or 1,300 miles over land between Western Australia and South Australia, which is the nearest colony, 6242–6257. Describes a belt of land stretching from north to south and forming a practical limit to the extension of Western Australia eastward; the introduction of convict labour would facilitate the settlement of that district, 6258–6264. The time in which the men get a ticket of leave is much shorter than at home, and may be abridged one-fourth; no advantage would result from lengthening the time, 6290–6295. The permanent prison accommodation at Fremantle is for 2,040, but the accommodation could be increased to any extent by sending them on road parties, 6296, 6297. The diet at the prison at Fremantle is rather less than the Portland scale; it is 24 ounces of bread, 14 ounces of meat, and 16 ounces of potatoes, 6299. The average cost of the prisoners at Fremantle and the ticket-of-leave men is about 25*l.* a year, including officers, food, police, the magistracy, rewards, and everything, so that supposing there were 1,000 convicts the whole expense would be about 25,000*l.*, 6300–6303, 6346–6348. It is a mistake to send men there with very short sentences, the consequence is they become expirees a very few months after their arrival; no men with less sentences than five years as a minimum should be sent; at the very least three to four years of the sentence should be spent in the colony, but as a rule, men sentenced to 10 or 15 years are best; five years would be the preferable minimum, 6304–6311. In the works carried on by the colonial government, ticket-of-leave men have been largely employed by contractors and others, and as the revenue of the colony increases, and there are larger sums available for public works there will be an increasing source of employment, 6321–6324. The ticket-of-leave men who come back to the depôts from want of employment receive a red shirt and a pair of trousers besides their food; they do not stay long; but when they received 6*d.* a-day, they hung about the depôts very much, 6334–6336. When once the sentence has expired the man becomes quite free; expirees and conditional-pardon men are eligible to serve on juries, but practically they do not, as the sheriff keeps them out, 6339–6342. A good many of them are doing exceedingly well, 6343–6345. When the penal establishment was first formed it was arranged that there should be chaplains to look after the convicts, and also an increase of police, and that a large part of those charges should be undertaken by the mother country; this arrangement has been strictly adhered to, and the proportions are a very fair division of the charge, 6349–6353. The great hold upon the ticket-of-leave men, is the special legislation by which a magistrate may sentence them, without a jury, to three years imprisonment, and the governor's power of sending them back to their original sentence of his own will and pleasure, 6354. If a man is sentenced to three years imprisonment, he would be sent back to the establishment, and at the end of that time put on his old sentence; the per-centage of these cases is small, considering that almost every crime which is committed is found out, 6355, 6356. Re-convicted men when thought fit to be out of prison, were sent on probationary road parties, and were there for a certain time in addition to their sentence; if they committed themselves there they were sent back again; they were always kept separate from the other road parties, 6357, 6358. The Home Government pays two-thirds and the colony one-third towards the police; to the clergy, one-half each, 6359, 6360. The system of appointing prisoners as constables still continues and it is attended with these advantages:—it answers more or less to the intermediate system, the men are placed in a certain position of trust and responsibility, and they are excellent assistants to the warders so long as they are themselves under supervision,

Henderson, Colonel Edmund, Y. W., R.E. (Analysis of his evidence)—*cont.*
in taking a party of 30 men to make a road one warder is sent and a constable to assist him; the constable would keep watch at night, it saves another officer, and that represents 100*l.* a year; they get four marks, five marks, and six marks a day, according to which of the three classes they are in, 6363–6368. There is no conduct which can diminish the time between obtaining a ticket of leave and obtaining a conditional pardon; that is a fixture, but it may be indefinitely prolonged by misconduct, 6369, 6370. Witness delivers in addresses presented to him on leaving the colony, 6373.

Heytesbury Street Refuge for women released on licence in Ireland, *Jebb*, 644.

Holloway Prison:
Number of prisoners in, *Weatherhead*, 5155. Scales of diet at, *ib.*, 5159–5170. Diet at, lower than at Chatham and Portland, but about the same as at Millbank and Pentonville, *ib.*, 5164, 5263. Weighing of prisoners at, *ib.*, 5181–5184. Silent system adopted at, *ib.*, 5198. Convicts dislike diet at, *ib.*, 5208. Gross cost of maintenance of convicts in, per head, *ib.*, 5231, 5232. Actual cost of, to the city, *ib.*, 5237. Trades taught to prisoners in, *ib.*, 5238, 5239. Treatment of juveniles in, *ib.*, 5279–5280. Only four prisoners flogged in, during 11 years, 5291. Comparison of diet at, and at Chatham, *ib.*, 5305–5309.

Holtzendorff, Baron, opinion of, as to the evil effects of supervision of criminals by the police, *Jebb*, 805.

Home Office:
The criminal department of, is specially devoted to the business of tickets of leave and their holders, *Waddington*, 495–497. A nominal list is kept at, of ticket-of-leave holders, *ib.*, 506, 507. No information is furnished by, to facilitate discovery by prison authorities whether a man is or not a ticket-of-leave holder, *ib.*, 508–512. Instructions from, concerning the selection of convicts for transportation, *Gambier*, 4246.

Horse-breeding, a good speculation in Western Australia, *Henderson*, 6195, 6201, 6269–6289.

Horse and Cattle Stealing, decrease of, in Western Circuit, *Gurney*, 1864–1866.

Houghton, Dr.:
Opinion of, as to diet at Portland, *Jebb*, 551. Alterations of diet according to suggestions of, *ib.*, 551–555. Suggests half diet for prisoners scheming to get into the separate cells, *ib.*, 558.

Hours:
Of labour at Chatham, *Gambier*, 4216–4218; *Macdonnell*, 5897–5899. At Portsmouth prison, *Gambier*, 4219–4222. Hours of bedtime for convicts are too long; time for evening school should be taken from, *Measor*, 5712–5724.

"Hue and Cry:"
Ticket-of-leave holders breaking the conditions of licence are notified in, *Crofton*, 3338, 3341; *Whitty*, 3794; *Organ*, 4632–4635. Released convicts evading supervision are put into, *Crofton*, 3526; *Whitty*, 4438.

Identification:
Of convicts on re-conviction, course taken in regard to, in Ireland, *Crofton*, 3323–3344. Of prisoners, difficult; plan for promoting, *Weatherhead*, 5220–5225.

Idleness: Punishment for, at Chatham, *Gambier*, 4361–4365.

Imprisonment:
For 12 years a very severe punishment, *Waddington*, 475. Long and short, comparative deterring effects of, *Jebb*, 824–835. The shorter terms under the Act of 1857 should be cut off, and the longer sentences of imprisonment in county prisons reverted to, *ib.*, 878. Gradations of, in county prisons, might be improved, *ib.*, 879. Increase of sentences of, for the last five years, compared with five years commencing 1838, *Gurney*, 1852. Decrease in term of, on western circuit for larceny after previous conviction, *ib.*, 1855, 1856. Number of sentences of, for the two periods, *ib.*, 1851–1853. Lengthened imprisonment the greatest mistake in the treatment of convicts; road labour, as in Western Australia, the best thing, *Kennedy*, 2609–2611.

Incorrigibles:
Separation of, conducive to discipline; management of, at Dartmoor, *Gambier*, 4134–4146. A separate prison for, recommended; proposed discipline for such, *ib.*, 4255–4267. Probable number of, *ib.*, 4260, 4261, 4385–4389. A separate ward for, in the existing prisons, would not do, *ib.*, 4299.

Indian Corn:
Used as a penal diet, *Guy*, 3058. A less expensive diet, *ib.*, 3064. Modifications of the penal-class diet in the article of, *ib.*, 3090. Indian meal diet at Chatham prison, *Gambier*, 4050.

Insanity:
Cases of, represented to have been caused by separate confinement in Millbank and Pentonville prisons, *Guy*, 3090. Proportion of prisoners subject to, to the whole body of prisoners, *ib.*, 3091, 3092. Not produced by the confinement at Millbank or Pentonville, *ib.*, 3095, 3097. Simulated by prisoners; an instance cited; how treated, *ib.*, 3135. A second instance, a woman, *ib.*, 3142. Convicts having symptoms of, not allowed to be transported, *Gambier*, 4009–4013.

"Inside Berths:" Anxiety of the convicts to obtain, *Gambier*, 4307–4310.

Instruction: Nature of, that should be given to convicts, *Measor*, 5485–5496.

Intermediate Prisons:
In Ireland,—Smithfield and Lusk, *Jebb*, 621, *et seq.* For females,—Golden Bridge and Heyteshury Street Refuges, *ib.*, 644. Fulham Refuge in England, in the nature of, for female convicts, *ib.*, 653. The system of, for males, could not be introduced with advantage into England, *ib.*, 669, 677. Prisoners confined in, are in the last stage of their imprisonment, *ib.*, 679. Maximum number of inmates desirable in one prison, *ib.*, 683. Exhibition of prison discipline as seen in, most prejudicial, *ib.*, 685. The principle in, is to give considerable liberty to the convicts, in order to acquire some degree of self-control, *ib.*, 690, 691. The same result would not be produced in England, *ib.*, 692. Two objections to, association of prisoners at night, and exhibition of prisoners by day, *ib.*, 884, 885. Doubts as to the prisoners having more instruction in, than in the public works prisons, *ib.*, 899.
Reasons for establishing, in Ireland, *Crofton*, 3151. At Smithfield and Lusk, description of, *ib.*, 3236–3240. Of the whole number of prisoners released in Ireland 75 per cent. go through the intermediate prisons, *ib.*, 3241, 3242. Regulations for admission into, made by Government; doubtful cases decided by Government, *ib.*, 3245–3249. Eccentric (that is bordering on insanity), invalids, and murderers do not go into, *ib.*, 3259. Employment of prisoners at Lusk, *ib.*, 3263. The first, at Smithfield, opened November 1855, *ib.*, 3266. Treatment of prisoners at Smithfield, *ib.*, 3267. The system has been applied to men sentenced to penal servitude under the Act of 1857, who conducted themselves as well as the others, *ib.*, 3284. Alarm of the public in the neighbourhood of, at first, *ib.*, 3286. Maximum time a prisoner is kept in, *ib.*, 3296–3299. Cost per head in, *ib.*, 3403, 3404. Number of prisoners in, *ib.*, 3404. The better men go into; but it is not the worst criminals who do not; invalids or eccentrics do not come there, *ib.*, 3622, 3623. The object of, is to prepare men for emigration, and accustom the public to the sight of them, *ib.*, 3627.
Answered the purpose of the remission of sentence wanting under the Penal Servitude Act, *Whitty*, 3685. A special means of mental improvement and preparing prisoners for the transition from confinement to liberty, *ib.*, 3687. Gratuities in, to prisoners, higher than in England, *ib.*, 3700. Officers of, *ib.*, 3865, 3866. Facility of means to obtain employment through, *ib.*, 3867. Number of licence holders discharged from, since they were opened, *ib.*, 4872–4879. Agrarian convicts and other classes not sent to, *ib.*, 4906–4908.
Subjects of lectures at, *Organ*, 4489, 4539. Objects of lectures at, *ib.*, 4567, 4568. Men who relapse into crime can never get back to, *ib.*, 4569. Only two now, *ib.*, 4570. Not more than five per cent. of those discharged from, have relapsed, *ib.*, 4575. Lectures at, when delivered, *ib.*, 4574–4584. The majority of prisoners discharged from, go to Dublin, 4612, *ib.* Men discharged from never go to Liverpool, *ib.*, 4624. System pursued at, should not be pursued on the public works, *ib.*, 4687.

Intermediate Stage:
Of imprisonment in Ireland, commencement of; no evil arising from association in, *Crofton*, 3477–3482. No access to women allowed in, *ib.*, 3489. Lectures to prisoners in, *ib.*, 3492–3495.

Invalid Criminals:
Removal of, to Dartmoor and Woking; return of, *Jebb*, 846–851. Invalid convicts most troublesome to deal with, *Gambier*, 3953–3956, 3975–3993. Their prevalent complaints, *ib.*, 3957. Number of, at Dartmoor and Woking, *ib.*, 3960–3967, 3988–3990. Removal of, from same places, *ib.*, 3993. Precautions against transporting lunatics, &c., *ib.*, 4009.

Investigations:
Lapse of time previous to, of offences in convict prisons, *Gambier*, 4090–4095.
Method of, on written reports, *ib.*, 4098, 4099.

Irish Convict Prisons: return of cost of, remarks upon, *Crofton*, 3402–3404.

Irish System of Prison Discipline :
Inspected by witness, *Jebb*, 600. Difference between discipline at Mountjoy prison and Pentonville, *ib.*, 603, 604. Witness recommended the occupation of Spike Island and erection of Mountjoy prison, *ib.*, 607. Mountjoy adapted for the separate confinement of females, who pass the whole time of their imprisonment there, *ib.*, 608, 609 ; and when released with tickets of leave are sent to refuge at Golden Bridge, *ib.*, 610. Discipline at Mountjoy good, and prison well conducted, *ib.*, 611. The Mountjoy system begins with a more penal discipline than at Pentonville, *ib.*, 613. Witness would not recommend the introduction of the Mountjoy system into England, *ib.*, 614, 615. At Spike Island the system is much the same as at Portland and Chatham, *ib.*, 617–619. Prisoners who obtain a certain number of marks are removed to the intermediate prisons at Smithfield and Lusk, *ib.*, 620, 621. Too much association at Spike Island, *ib.*, 622–624. A selection is made at Spike Island for good conduct and industry, and the men sent, artificers to Smithfield, agricultural labourers to Lusk ; great liberty enjoyed by those at Lusk, *ib.*, 628–631. Diet, lectures, procuring employment, &c., *ib.*, 634–636. Reports to police on discharge of prisoners, *ib.*, 637, 638. Gratuities earned by prisoners, amount and disposal of, *ib.*, 629–643. A double motive power for men in working the discipline under the Irish system ; disadvantage of women who, with a ticket of leave, are still confined in a refuge, *ib.*, 644–652. Is not so good as that at Pentonville ; reasons for the opinion, *ib.*, 931–934.
Its introduction and distinctive features ; reasons for its success ; cannot be judged by statistical results, *Crofton*, 3151. Irish system of marks not perfect, but answers its purpose, *ib.*, 3175. Deterring effect of the discipline under, *ib.*, 3264. The return for 1860, 1861, and 1862 quoted, is not a fair representation of, *ib.*, 3361. Depends for its efficiency on the Government having power over a man for a considerable time, *ib.*, 3364. Generally approved of by the public, *ib.*, 3366. No transportation from Ireland since 1853, *ib.*, 3375. All prisoners sentenced to penal servitude and transportation since then have been dealt with under, *ib.*, 3376. Cost of prisoners per head under, *ib.*, 3402–3404. Depends upon the details being carried out ; evil was created in crippling its power, therefore future bad results must not be attributed to the system, *ib.*, 3664–3666. Depends very much on the abilities and zeal of those who carry it out, *ib.* 3675. The director must make himself personally acquainted with the facts of every case, *ib.*, 3676. Points in which it differs from the English system, *Whitty*, 3687. Amount of gratuities under, *ib.*, 3695–3703. Dietaries, *ib.*, 3704–3753. Value of labour done under, *ib.*, 3754–3771. Facilities under, for collecting information and knowledge of the released prisoners, and method of supervision under, *ib.*, 3780–3792. Irish system of recording the conduct and industry of the men, comparison of, with the English, *ib.*, 3808–3826, 3834–3836. Earlier stages of, more severe than in England, *ib.*, 3896–3898. Good conduct of released prisoners under, *Organ*, 4493, 4708.

Irons : As used at Chatham at the time of the outbreak, *Measor*, 5416–5419.

Jarrah Timber of South Australia :
Excellent quality of, for sea-water works and railway sleepers, *Du Cane*, 2696–2704. Convicts employed in working, *Henderson*, 6210–6212.

Jebb, Sir Joshua, K.C.B. (*Analysis of his evidence*) :
Surveyor-General of Prisons and Chairman of the Directors was examined at considerable length before Committees of H. L. and H. C. in 1856 and 1861 ; subsequent experience has confirmed the opinions then expressed, speaking generally, 237-239. All persons recommended for licences are put forward by the Directors of Convict Prisons, who are guided thereto by the entries made in the General Record Book, 241, 242. All such persons undergo, first, a separate confinement for 9 months ; and the remainder of their sentence is divided into three periods called stages, and whatever remission the prisoner may gain is deducted from the third or highest stage, 243-347. The separate confinement for 9 months is in all cases irrespective of the total amount of the sentence, but the exigencies of the service sometimes cause an infringement of the rule, and men are frequently taken who have been only 7 months in separate confinement, 250-252. In 1842, when the experiment of separate confinement was made, 18 months was tried, but found as a general rule to be too long ; in 1848, 12 months, and afterwards, in 1853, 9 months were determined upon, 254, 258. Some of those who had endured 18 months separate confinement were found to be impaired in their minds, 256. Educated prisoners would prefer separate confinement to being driven to associate with bad characters

Jebb, Sir Joshua, K.C.B. (Analysis of his evidence)—*cont.*
and inferior minds; burglars or reckless bad characters dread it more than any other kind of discipline; and when the system consisted of separate confinement, associated labour on public works, and transportation, two out of the three would be distasteful to nearly every prisoner, 259, 260. Separate confinement consists in strict separation in a cell certified to be fit for the purpose; during the time every effort is made to improve the character of the prisoners; they were formerly separated in chapel, but now the divisions have been removed, and they sit together, 261, 262. There is less communication now between the prisoners in chapel than there was when they were separated; the fences were taken down about 2 years ago, 263-267. During the separate confinement they may receive visitors after the first 6 months; afterwards visitors are allowed more frequently, and the prisoners may write letters, 268-270. The prisoners are kept at constant employment during the time of separate confinement, 275-277. The treatment of prisoners during that time is the same in all the prisons, Millbank, Pentonville, Wakefield, and Leicester, 278–282. The period of separate confinement is the most reformatory period of the imprisonment, 283. The question of subjecting the prisoner to a second period of separate confinement before discharging him has been mooted; witness is of opinion that a very short period (of one or two months, not more,) might be of advantage, it being found that the sudden change from separate confinement to the bustle of the world had a very injurious effect on the men's minds, 285–289. In the latter stage of the imprisonment the men associate together at work only, they dine in the cells wherein they sleep; association is necessary, and the evils of association must be as well guarded against as possible by close superintendence, moral and religious instruction, and the motives to good conduct in the shape of gratuities and remissions; the most dangerous period of association is the exercise time on Sunday; 290–292. The discharged men fresh from the evils resulting from association would go into the world prepared to join in any evil course; a short term of separate confinement would not be sufficient to break off pre-concerted plans, and a long term would produce serious physical effects, as at first shown by the men who had been confined separately for 18 months, 293–296. These men had fits, which the medical superintendent could not account for; a fortnight's association after the separate confinement before removal obviated this evil, 295–300. The fits only occurred when the men, after long confinement at Pentonville, were embarked on board ship; they did not occur after the men were associated previous to departure, 304-306. They did not occur among the men who were not going on board ship, 307. While in separate confinement, during the period of exercise on Sunday even, there is no association between the men; when they are on the public works they walk in threes and fours, 308–311. Witness's opinion of the prisons where separate confinement is carried out, and of the effects of the system upon the men subjected to it, is founded on the reports of others, not on his own observation, 312–316. Believes it desirable to extend the period of nine months to twelve, on an average, 318, 319.

The system of discipline as laid down in 1848 was not adapted for short sentences, it was framed in connexion with transportation; we looked simply to the best mode of reforming the men, and training them for release in the colonies, and in that had great success; the men first sent out to Western Australia were highly spoken of and preferred to ordinary settlers, 321. The present system, especially of separate confinement, is both penal and reformatory, but when imposed in full for short sentences, it leaves a very short period for employment on public works before release, it makes too great an encroachment on the time; a more stringent discipline should be applied in short sentences, 322–326. This more stringent discipline would consist in diminishing the period of remission, not giving the same amount of gratuities, and lessening the advantages in gaining stages of discipline; witness would also advocate a greater difference between sentences of imprisonment in a county prison and sentences of penal servitude, 327, 328.

With reference to the importance of prisoners feeling that the length of their sentences depended very much on their own conduct, and to the maintenance of discipline and enforcement of industry, still a shorter remission of sentence than is now given would be sufficient 329–332. The *maximum* period of remission should be laid down, either by Act of Parliament, or as now, by the Secretary of State, 332. It is entirely by their own exertions that the prisoners obtain the remission of even a single day; the remissions are according to a scale laid down; a man with a 3 years' sentence by conducting himself properly gets one sixth; it is not the fact that every one sentenced to 3 years' penal servitude gets six months remitted; about one half of the convicts get their full period, 333, 334, 338, 339. From Portland 852 convicts have been released on licence, of these 482 gained the full period of remission; 67 only out of 2,706 served their full time, 336, 337.

Jebb, Sir Joshua, K.C.B. (Analysis of his evidence)—*cont.*

With respect to the labour performed, it is difficult to assign a certain amount of labour as a task; the warders are the judges of the industry of the men under their own observation: at Portland, for instance, every stone squared and dressed is measured, and the quantity and its value at contract price are recorded; if any party fails to send down the usual quantity of stone, it would be noticed, and it would be ascertained whether the warder had failed in enforcing industry; the warder forms his opinion as to the industry or otherwise of each man in a gang; the warders are men of experience, and are liable to be punished for neglect of duty; there is a wholesome rivalry among the gangs as to the quantity they send down, and it depends on the daily report of the industry of each man as to his obtaining a remission, 340-346. The warders are not afraid to face their duties; an investigation was made at Portland within the last week, and it was unanimously testified that the prison was never in a better state, that the men's industry was satisfactory, and that the discipline was carried on almost without punishment, 347. The warders receive a gratuity for their exertions in keeping the men hard at work, depending on their reports and the quantity of work done; the gratuity depends on the opinion of the governor and other officers as to the warder's performance of his duty; the warder's reports are sent in every day, and the gratuities are granted every week, 348-356. Witness has the general superintendence of the works and duties connected with the whole department,, and all details are brought before him, and are subject to his regulations, but if this system of warder's gratuities did not well he could not alter the rules without the sanction of the Secretary of State; thinks it works well, 357–362. The gratuities vary from 2*s.* 6*d.* to 5*s.* a week, and depend entirely on the warders doing their duty, and not whether their reports of the gangs are favourable or otherwise, 363–366. Besides the negative power of not counting anything in their favour, the gangs could be punished for a prison offence, for idleness; there are many holds upon them, but the system is an intricate one, and cannot be fully explained orally, a personal investigation on the spot is necessary to understand it, 367, 368.

There are some rewards for good conduct and industry during the stage of separate confinement, but they are modified, and not so great as those on the public works; practically, separate confinement does not admit of much variety of conduct; industry chiefly determines the question as to good behaviour; docility and submission may be more apparent, also attention to instruction, 373, 374. Separate confinement, if employment were withheld, (which cannot be except by new enactments,) would become solitary confinement, and solitary confinement must not be carried out for more than 28 days at a time, or for 3 such periods in 12 months, 375, 377. The diet in separate confinement is regulated by the Secretary of State, and was determined upon after minute inquiries and extended experiments; it differs in some respects from that at Portland, 378-381. There are three stages on the public works, and three classes in each stage; prisoners pass from one to the other in proportion to their good conduct; in each stage gratuities are given proportionate to their industry; but the hope of a remission is undoubtedly their greatest stimulus, 382–388. The system of the record of industry acts towards the men as an increment which they gain each day. By continuing to gain "V.G." (very good) daily, a man gains so much towards his remission, 389–391. There is no arrangement, and it would be difficult to make one, by which the amount of credit gained is affected by the amount of work done; the plan of tasking the men has been often thought of, but rejected, it would derange the whole system of carrying on public works, 392.

In dividing the men into gangs, physical equality is not altogether looked to, some regard is paid as to the moral effect of bringing certain men together, but not entirely, for to classify men by moral considerations would be to stamp one class as worse than others, which would be fatal if carried out in the same prison, 393, 395. Practically the weakly men are put to work in the prison not requiring great strength, 397. In reporting the conduct of men of different powers, the warder must exercise his judgment and discretion, 398, 399. At present the records of industry and good conduct are separate, and the period of discharge depends on the credit gained under both heads, 401, 402. A record of industry that would show the *positive* amount of labour done might be contrived, but it would be difficult to do justice between the men, 403. When a prisoner comes to serve three years penal servitude, it stands in the notice that he is eligible for six months' remission, and he must keep a "clean badge" every week or forfeit a corresponding term of remission, 406–408. When a licence is revoked, the man is taken back to the prison from which he was released, and he receives no further remission, 411–414. Witness would prefer sending them afresh to Millbank, to begin the routine of discipline again, especially since the discussion that has occurred out of doors, 411–

Jebb, Sir Joshua, K.C.B. (Analysis of his evidence)—*cont.*
415. It would prevent the inconvenience of their bringing all the news of the day to their old companions; the re-entry of these men into their former prison has very little repressing effect, 416–418. The remission the men have gained has worked well in obtaining credit for them during their period of confinement; the convict department cannot take account of matters out of doors, 419. Reasons for not enforcing the conditions endorsed on the licence, in accordance with the recommendation of the committee of H. C. in 1856, 420, 421. Very few licences have been revoked without some crime being proved against the men, 422.

Practice of the inquiry in convict prisons as to the probability of a convict obtaining employment on his discharge, 517. No distinction is now made between those likely and those unable to obtain employment, 519, 520. Witness is in constant communication with the Prisoners' Aid Society in London with a view to obtaining situations for prisoners, 521–523. If ticket-of-leave holders were put under the surveillance of the police, it would not assist them in procuring employment, quite the contrary: reasons for such opinion, 528–531. Hands in a return of the number of male convicts released under orders of licence, in each year from October 1853 to December 1861, showing the number returned to the convict prisons, and the per-centage of men re-convicted; the outcry against granting tickets of leave had the effect of raising the per-centage considerably, 532-535. Hands in a return of the number of persons discharged on licence, showing the amount of remissions of sentence granted or withheld between 1st Jan. 1860 and August 1862, 536. Explanation of the rule by which offending prisoners may recover lost time, 538.

The present diet at Portland was established in 1849 or 1850; the first diet established was insufficient, 540–545. Capt. Whitty, governor at the time, wrote about it, stating his reasons for considering it not sufficient; extract from his letter; original scale of diet stated, 546. A change of diet, proposed, as shown in an extract from a letter by Dr. Houghton, in October 1850, after considerable correspondence, was approved of, and has remained unchanged from October 1850 to this time; description of the scale, 551–557. Having been determined by experiment, witness cannot say that it is not just what is required to maintain health and capability to labour; in answer to an inquiry as to what should be the scale of diet for separate confinement, Dr. Houghton recommended one-half the ordinary diet to be continued according to the nature of the offence; many prisoners used to scheme to get into the separate cells, which were the most comfortable part of the prison, but the new scale of allowance had an immediate effect in stopping the practice; these separate cells are not the sleeping cells, but cells used as a kind of punishment for certain classes of offences, 558, 562.

There are 30 large stone cells at Portland, and 30 brick cells at Chatham, for separate confinement; in these cells the punishment of 3 days' bread and water is carried out, 809–812.

There has been no difficulty in maintaining discipline at Portland, but on one occasion. When the Act of 1853 came into operation, men who were under sentence of transportation began to be discharged with very long periods of remission; but those sentenced under that Act and the Act of 1857 having very short sentences, had no remission, and then came a fresh set of convicts with remissions, the consequence was a great deal of dissatisfaction and the outbreak took place; it was in the shape of a strike from work, but it was dealt with vigorously at first; the men who struck work were removed to Millbank, the discontent subsided, and there has been no disturbance since, 563–568. The discipline is in a most satisfactory state now, 568. The outbreak at Chatham occurred in February 1861; Chatham prison had then been occupied by convicts about four years; the system of discipline and labour is as nearly as possible the same as at Portland, but at that time almost all the men were employed in the dockyard; not a single man was removed from Chatham, they were dealt with exactly as usual, and in a few weeks Chatham prison was in as good a state of discipline as before, perhaps better, and is now in as good discipline as it is possible to expect in any place where desperate characters are assembled, 569–572. Chatham prison was designed to supersede all the hard-labour hulks, and all the dregs of the prisoners of the hulks and, what was worse, all the dregs of the officers of the hulks were turned into the prison; the governor of Portland was removed to Chatham; he soon felt it was impossible to bring the discipline up to what it ought to be; the senior officers, instead of supporting him, acted secretly against him; these warders were men who had been previously in the hulks, some of them with 20 years service, 573–577. There was no particular insubordination, but idleness and a reckless sort of habit; a special representation was made to the Treasury, and the old hulks officers were pensioned and got rid of; the convicts saw there would be a new régime established, and that they would not have the countenance they had hitherto had, 578–581. The out-

Jebb, Sir Joshua, K.C.B. (Analysis of his evidence)—*cont.*

break arose at first from the discovery of a plot for the escape of some of the prisoners; description of the outbreak, and the steps taken to quell it, 582–585. It arose from the fact of the plot having been discovered, coupled with the dismissal of the old warders, and a state of discipline which, though not exactly lax, was not so good as could be wished; there was a bad feeling among the prisoners, who were ready for an outbreak, 586, 587. The men whose licences were signed and those who were to come forward the next month it is believed had no share in the disturbance; the cell doors had been surreptitiously shut, or many would have gone into their cells, so that they were all apparently committed in the riot, 587–590. There were only six warders in the prison, and none of them were ill-treated, 589. About 48 were identified as ringleaders and were all flogged; others had not been actively engaged in it, but stood by participating more or less, and another class would not have had anything to do with it if they could have helped it, 591, 592. None of the men were removed from Chatham; while at Portland many were sent back to Millbank, with a forfeiture of remission and gratuities, 593, 594. None were removed; it was determined to subdue them, 593. After the outbreak was subdued order was soon restored, and the prison has been since in excellent order, 595, 596.

Witness went to Ireland to be able to state in detail his reasons for objecting to the intermediate system and the supervision of the police, and carefully viewed all the Irish prisons, 600, 601. Mountjoy prison is the same in construction as Pentonville; the system differs; the prisoners at Mountjoy are employed at first in picking opium instead of working at trades, with a view to making it more deterrent, and the diet is stated to be less, 602–605. Witness in 1847 recommended the occupation of Spike Island, for associated labour on public works, and the erection of Mountjoy prison for separate confinement; it was built and occupied in 1850, and is for females as well as males, 606–608. The females pass all their time of imprisonment in Mountjoy, and when released with tickets-of-leave go to a refuge at Golden Bridge, 609, 610. The discipline at Mountjoy is good, and the prison well conducted, but witness disapproved of the change made from the system at Pentonville, 611. At Mountjoy they begin with a more penal system; whereas the Commissioners of Pentonville stated in their fifth report that the result of all their experience was that the discipline administered at Pentonville had an effect without parallel in the history of prison discipline, 612–614. The system at Mountjoy, if introduced into England, would increase the deterring effect in short periods of confinement, which, in long periods, is mainly due to the length of period of imprisonment; so, to a certain extent, all sentences have a deterring effect, and increased punishment also, 615, 616. The system at Spike Island is much the same as at Portland and Chatham, there are some unimportant differences, 617–619. Great credit is due to the officers at Spike Island for the moral effect produced, because it is not at all equal to Portland for working the discipline, the men are associated too much together at night, 622–624. In the intermediate prisons at Smithfield and Lusk there is a system of treatment not followed in any English prison except to a limited extent at Fulham, which is a refuge for females, where it is necessary to preserve order and discipline; a distinct stage has never been introduced in England as part of the system for males, 625–627. The periods proposed for the intermediate system is 4 months in a three years' sentence, 6 months in a four years' sentence, and so on; a selection is made for good conduct and industry from Spike Island, and they are taken, the artificers to Smithfield, and the agricultural labourers to Lusk; it is 4, 6, or 8 months before the expiration of their sentences that they are eligible for their licences, 628–633. A very able lecturer, Mr. Organ, instructs the men at both places, and is actively engaged in finding employment for them after they are out; he occupies the position in Dublin that the Prisoners' Aid Society does in London; he generally obtains employment for those he recommends before they are released; in fact, obtaining employment is the condition of release in Ireland much more than it is in this country, 635, 636. The police do not interfere with them in Dublin, but when the released prisoners go into the country, the fact is notified to the police, to whom they have to report themselves at the nearest station on their arrival and on the 1st of each month, also any change of place, 637, 638. The men behave exceedingly well, but in most cases they have gone back to their own friends, and have money in pocket, 638. They earn gratuities of 2*s.* 6*d.* a week at the intermediate prisons, of which they are allowed to spend 6*d.*, 639, 640. Nearly one-half of those who pass through Lusk and Smithfield emigrate voluntarily, by means of their gratuities; Mr. Organ lectures them with that view; it is an object of which they eagerly avail themselves, 642, 643. One thing appears a disadvantage in connection with the intermediate system: in working the discipline in Ireland

Jebb, Sir Joshua, K.C.B. (Analysis of his evidence)—*cont.*
they have for males a double motive power, a removal to the intermediate prisons and a remission, while the females, who appear to require more motive power than males, are kept in prison till they are sent to the refuge, so that they are actually under restraint until their original sentence has expired, which is considered a less motive to good conduct than an absolute discharge would be, 644–650. The superior at Golden Bridge, to whom witness mentioned it, admitted the disadvantage of the system; the women, whilst with her, were constantly thinking they ought to be out of doors, and the being discharged into a refuge, though a great advantage to them, was no great encouragement, 651, 652.

The Refuge at Fulham was established in consequence of the women not being able to bear the very long periods of imprisonment under the Act of 1853 that the men could; not having the variety of discipline, nor being removed to public works, they would remain at Brixton probably the whole time; Lord Palmerston suggested an intermediate stage of discipline, during which they might be more qualified for release than from the ordinary prisons; the Refuge was opened in 1856; there are 180 women there, under a somewhat relaxed discipline to that at Brixton; they are employed in every kind of industrial employment; they acquire a knowledge of a valuable occupation, and they realize a considerable amount to Government by their labour, 653–657. The women receive larger gratuities, and rather better diet; the principle of the Refuge is, a slight improvement in their condition, a variety of employment, and a nearer prospect of release, 658–661. All female convicts are sent first to Millbank, they then go to Brixton, and then to Fulham; not all, a selection is made; they are sometimes kept more than a year at Fulham on account of their sentence, but it is done unwillingly; they are discharged at the same period and have the same remissions at Fulham as at Brixton; and if there are vacancies at Fulham they must be filled up from Brixton; the three prisons work together, but an endeavour is made to arrange so that the last 12 months of the sentence before discharge are spent at Fulham, 662–668. There is more trouble with female convicts than with males, they are not so amenable to punishment, their offences are of a different character, and depend very much upon impulse, 765. The hours for the female warders are necessarily long, for carrying on the discipline; as good a class of warders as is possible to get is got; the salaries are liberal; the pressure upon them might be relieved, if the Treasury did not object to the increased expenses; they do not change frequently if in good health when they commence, 766–774.

The system of intermediate prisons for males could not be introduced into England with advantage, 669. The first objection is to their sleeping in association, and, the number of officers being very small in the intermediate prisons, sleeping together without due means of control, which, after the experience of the two associated rooms at Portland, would have a most prejudicial result, in the loss of the moral effect of the previous discipline; solitude itself is an advantage, 670–676. The comparative liberty enjoyed in the intermediate prisons could not be advantageously introduced into the prisons in this country; where in our prisons increased liberty is given, as in the higher stages, to the special service men, care is taken that they all work separately, on duties that can be executed by a single man, 677. All prisoners who are in the intermediate prisons are in the last stage of their imprisonment; there are 120 at Broadmoor, who have too much at stake to behave ill, 678–682. It is a part of the system of intermediate prisons not to have more than 100 in one prison; if the system were introduced into England, 10 or 12 establishments would be required, 683–684. The exhibition of convict discipline in such a form in the neighbourhood of London would be most prejudicial, 685. At Lusk the men are dressed like ordinary labourers; at Broadmoor they have an especial dress, 686–689. The principle of the intermediate prisons in Ireland is to enable the prisoners to acquire a power of self control preparing them for situations of trust, and to propitiate the public; the same result would not be produced in England, the character of the convicts in England and Ireland being different, 690–692.

There would be much difficulty in applying a system of task work in Government prisons in England; in Van Diemen's Land the system was applied to the intermediate gangs working on the roads, and in Western Australia for making roads away from the capital into the country; the men were encamped along the road, and it would have been inconvenient not to have assigned them tasks, as they could not be under any regular superintendence, 693–694. In Van Diemen's Land the system of task work was directed to be applied to all convicts in Government employment, they were employed in quarrying, in collieries, on buildings, and in road making; the task was probably assigned not to individuals but to a gang; the labourers in Government custody were in probationary gangs, who were allowed to

Jebb, Sir Joshua, K.C.B. (Analysis of his evidence)—*cont.*

have half the value in excess of labour in a day's work in tobacco, &c., the other half went towards completing their task before they became free, 695–697. Extracts from Sir William Denison's reports quoted as to the success of task-work in Van Diemen's Land: witness does not think it would be impossible to introduce the system here; Capt. Whitty and himself had frequently turned their attention to the matter at Portland, but could not accomplish it, and it has never been suggested by any one governor of the public works prisons: it would not be impracticable, but whether it would be more advantageous than our own system, which provides a sufficient stimulus to industry and good conduct, is the question, 698. The men must work in gangs; and there would be exceeding difficulty in a gang of 20 men, all of different capabilities, employed in a particular kind of work, such as quarrying, to apportion a task to each man; under the present system a really fair amount of labour is done by the convicts, even without task-work; other persons have a different opinion, but they know nothing about it, 699–704. There is a mistake as to the opinion of the Admiralty engineer upon the amount of work done by the convicts; his opinion, that it would take four or five convicts to execute what two Portland quarrymen would do, referred not so much to the industry, as to the capacity or qualifications of the convicts; the latter come from all classes of society, wholly unaccustomed to the use of the crow bar, barrow, &c.; they do as much as they can be fairly expected to do, and a vast deal more than any body would suppose, 705. A daily record is kept of all the quarrying done at Portland, and the work done by each party is known, 706–707. The amount that could be done by free labourers is a matter of calculation; very likely 100 quarrymen would do double the quantity the convicts do, but that does not affect the industry of the latter, 708. In support of his opinion as to the good condition of Portland prison, and the fair amount of work done, witness quotes extracts from reports of the deputy-governor and chief warder, showing their satisfaction with the results, 709–710. The convicts do as much work as could be fairly required of them under the system and the conditions in which they are employed, 711, 712.

With respect to the representation that the punishment inflicted on convicts sentenced to penal servitude is not regarded as formidable, and that the labour exacted is much less than can be performed by free labourers, it is probable the operation of the Act of 1857 is unfavourable to the deterring effect; penal servitude, as now established, is connected with the system of transportation, and designed for long periods connected with transportation; where the failure has occurred has been in the sentences to three years penal servitude where formerly two years or 18 months imprisonment was passed; men receiving these short sentences come into a system of discipline unsuitable for carrying them out; five years ought to be the minimum sentence to penal servitude; our system of discipline cannot be worked out under that period, 713–716.

With regard to the statement that the convicts are relieved from work in bad weather, it is true to a certain extent, because it is very difficult to dry the clothes of 1,500 men if wet through, and if men were left with their wet clothes on many would have to be sent to the infirmary; it is an object therefore to take the men under shelter during a storm, just as a regiment would be sent to their barracks under similar circumstances: advantage is taken of a bad day to clean the prison, alter the stores, &c., 717–719. There are a few covered sheds, where the stonecutters and stone sawyers are sometimes put to work; such means of employment might be extended, but it would be an expense, 720, 721.

When the public works at present in progress at Portland are completed, there will still be the means of employing convicts there; all the stone required for the public departments in this country and for all the dockyards might be supplied by convict labour from Portland; a considerable convict establishment may be kept up for many years there; and it is one of the best situations for a convict prison that we have, 722–726.

Gratuities are allowed to the convicts, according to their conduct, which in Ireland are lower than in England in the early stages, but in the intermediate prisons they get more than ours, though the total amount payable to a convict at his discharge is smaller in Ireland than in England, 727–729. Witness would not be disposed to lower the gratuities here, except for re-convicted prisoners, 730. The gratuities earned by prisoners are not at their command on discharge, but are paid by Government in very small instalments in five or six months; the retention in the hands of Government of the gratuities affords an excellent means of control, 731, 732. The amount earned by convicts is not more than is necessary to promote their interests on discharge, and if carefully administered saves hundreds from returning to crime, 733, 734.

Witness cannot exercise the slightest control or opinion on the subject of diet;

Jebb, Sir Joshua, K.C.B. (Analysis of his evidence)—*cont.*
it is entirely a medical question ; the diets laid down by the Secretary of State are all calculated on medical authority. A generous diet may not have the deterring effect of punishment, but it would be worse if there was constant grumbling and dissatisfaction, and hunger operating on the men ; it was tried at Millbank to give a diet that should be equally nourishing and copious, yet of a kind less agreeable to the men ; it has been said, however, that it is a question whether the convicts do not like the one as well as the other ; there is great difficulty in framing a diet at once nutritious and distasteful ; if there were a diminution in the quantity of meat, the men could not execute the work, 735–740. It is the opinion generally of medical men, with reference to imprisonment, that good diet is requisite for support; it is so in separate confinement, a more generous diet is required then than for people who are working out of doors, 741, 742. It is not unlikely that the publication of these diets, so much beyond what a free labourer can command, has an injurious effect on the minds of those disposed to crime, and that is one of the difficulties we have to contend against ; there should be no ground of complaint as to diet given to these men, but the discipline should be made more severe, and the punishment more deterring, by not passing such short sentences, 743, 744.

The selection of convicts for removal to Western Australia, the arrangements for their embarkation, and the information to be given to the officer in charge, rests with one of the directors, 745–748. With respect to the letters of the Bishop of Perth, Western Australia, as to the conduct of the convicts on board the ship in which the bishop took his passage, it is extremely difficult to preserve discipline in a convict ship on a long voyage, and for many years convict ships have been sent out under very difficult circumstances, but with very great success ; has no recollection of the circumstances of the case spoken of by the bishop, 749–755. In selecting men to be sent out, two or three lunatics have been included, but it has been done entirely on medical certificate, that the former lunacy was only temporary ; in such a case, a discretion cannot be exercised in rejecting ; men sentenced for unnatural offences are specially reserved, it is a distinct understanding that the colonists will not receive such, 756–760. Gentlemen convicts, swindlers, clerks, and men not equal to severe labour have been sent out indifferently with other well-conducted men ; the services of Redpath and Robson have been useful, 761–764. The hours of work for female warders are necessarily long, their work is hard, but not more than they can get through if in good health ; they are of as good a class as can be got ; their salaries and allowances stated ; if more were appointed it might cause their salaries to be questioned, 766–774. In selecting men to go to Western Australia, the best men for the colony were taken, up to a recent period ; when Mr. Hampton was appointed governor, he did wish the selection to be confined to the best men, but would take any, with the exception before mentioned, after this, the conduct of a man was not so carefully considered, 775–777. The selection of a man for Western Australia was generally considered as a boon ; the men mostly regarded it as such, and were glad of a change ; in some instances they were asked the question, but not as a practice ; the selection is made by the director in charge of the prison and the governor ; it must be remembered that men sentenced to penal servitude under the Act of 1853 would not be transported except with their own consent, 779–792. It is uncertain, under the Act of 1857, whether, when a sentence is passed, the man will be removed to a colony or not: before 1853 every man was transported who was capable of earning his living when in the colony, and was fit for embarkation, but under the Acts of 1853 and 1857 it is different ; 700 or 800 were sent out last year, but it was not known in any of those cases whether the men would go to the colony or not ; the uncertainty rests partly on the provisions of the Acts, and partly on the demand for labour on public works at home and abroad ; the sentence of transportation was abolished by the Act of 1857, but the power of removal to a colony was retained, 793–796.

With respect to the deterring effect of a sentence of imprisonment or one of penal servitude, it depends entirely upon the amount of imprisonment that precedes ; the men most dread imprisonment; a sentence of penal servitude for a certain time unconnected with transportation would have a more deterring effect than half the period followed by transportation ; as a proof, in 1852 and 1853, when transportation was uncertain, any number of volunteers might have been had for embarkation to Van Diemen's Land, 797–799. Now, some convicts having returned from Western Australia, and given unfavourable accounts of it, there is not the same feeling in favour of transportation there used to be, 800–802.

If it was required to report ticket-of-leave holders to the police, it would diminish their chances of obtaining honest employment, and it would require the greatest possible caution to prevent such a result. It has been tried in France for 50 years with the most disastrous effects. The system was introduced there in 1810, and

Jebb, Sir Joshua, K.C.B. (Analysis of his evidence)—*cont.*

was revised in 1832 by both chambers; but the consequence of it was the convicts could not obtain employment, and the public works could not obtain labour; in 1844, in answer to circulars sent by the Minister of the Interior, it was stated that nothing could be worse than the operation of the police supervision in France; it still stands in the Code, and certain specified categories of crime involve, in addition to a term of imprisonment, five years supervision by the police afterwards, 803, 804. It has been condemned by Bérenger, in his work "De la Répression Pénale," whose views are confirmed by Baron Holtzendorff in reference to Prussia, 805. There would be a very great difficulty in exercising an effective supervision over ticket-of-leave holders; it would be a great obstacle to those endeavouring to do well, though a close supervision is desirable over those doing ill or engaged in criminal courses, 806–808.

If the labour were lighter, less diet would be sufficient; but the possibility of lessening the labour in order to deter from crime is doubted, because giving short diet for any length of time could not be persevered in, not even with light work; convicts would dread the hard labour more than they would such a diet as could be made a punishment, 813–815. The sentences now passed contemplate hard labour; suppose you gave light labour and a light diet, some men would prefer the hard labour on full diet; there are only two ways of dealing with convicts, they must be led or driven; if driven, the public suffer from the effects of the demoralization; if led, they gain by a large portion of the convicts being reformed, 816–818. The diet in the hulks in Howard's time (1780) was infinitely better than it is now, 819. The necessity for a somewhat generous diet arises both from the hard work the men perform and the necessity to counteract the depressing effect of imprisonment; in the correspondence with reference to the diet at Portland, it was shown by the governor and the medical officers that the men could not carry on the hard labour of quarrying unless they had a little higher diet; it was a fact ascertained in medical science that in long sentences a high diet was necessary from the commencement; therefore the short diet of four months in the Irish system would be prejudicial; it only applies to separate imprisonment limited to nine months, 820–823.

Criminals preferred a sentence of three or four years penal servitude to 18 months or two years imprisonment, knowing that those three or four years were reducible to two and a half; knowing also that it is much milder discipline than exists in county prisons, 824–825. In cases of re-conviction the convicts ought to be subject to a more severe discipline; now, when a judge sentences a man to three years penal servitude, it is because the offence calls for a severer punishment than when the sentence is for 18 months imprisonment; and if the question had been understood when the Act of 1857 was passed a different arrangement might have been made, it was not expected there would have been so large a proportion of these short sentences, 826–827. The object for which penal servitude was introduced in 1848 and as it now exists was to train men for their release; looking to the length of the sentence and other circumstances, penal features were thrown almost altogether aside, and the whole effort was thrown into the industrial training and the endeavour to reform; there is industrial training in the county prisons, but it is more penal; it is difficult to combine the two objects in short sentences, 828–829. The whole punishment should be deterrent to those out of doors, and a long period of imprisonment, under sentences of penal servitude, may be trusted as having that effect; if we find by experience that men do not dread penal servitude, though of longer duration, and our object is not gained, that is one of the great difficulties arising from the practice of throwing into the discipline those very short sentences; if there were one stage the most deterring adopted in all sentences long or short it would interfere with the industrial and moral training of the larger proportion of the men, 831–833. Separate confinement cannot be made more deterrent than it is, the fact of a man being locked up alone is deterrent enough for anybody; if a man is put to penal labour (as the Act of 4 Geo. 4. appears to contemplate) it would interfere with the moral effect and with the object of training him for ultimate release, 834. Imprisonment in county prisons is not calculated to improve a man, and the fact of the re-convictions generally warrants the belief of its failure, 835. With regard to offences of cruelty and violence, it is desirable to have some corresponding punishment added; flogging in addition to the sentence would have a repressive effect; for example, when a convict strikes a warder he is usually sentenced to corporal punishment; a man would not be likely to try it again, 836–839. Witness re-states his opinion of 1856 that increased stringency appears necessary of county and borough prisons, combined with greater encouragement to good conduct, and above all to assistance to prisoners on discharge, 840–842. Repeats his suggestion of 1856 as to treating re-convicted prisoners with greater severity, effectually to prevent the worst classes of criminals doing mischief

Jebb, Sir Joshua, K.C.B. (Analysis of his evidence)—*cont.*

to others, by much longer periods of confinement on public works than have yet been resorted to; if it be necessary to release such prisoners at home they should be placed under the close superintendence of the police, with a ticket of leave, and another conviction to ensure confinement for life; if such a system were adopted it would secure a more effective punishment than either transportation or imprisonment have afforded for many years past, 843, 844.

The accommodation is amply sufficient to take in all the prisoners sentenced to penal servitude, 845. The proportion of convicts who go the invalid prisons at Dartmoor and Woking is very much increased lately; a convict must be certified by the surgeon to be fit for removal, or he would not be removed; the men are sometimes sent back, but chiefly the women, 848–851.

An account is published of the quantity of work done at Portland; the quantities accurately given, and the value at fair contract prices affixed; quotes a statement of the average daily number employed in 1861, and the value of the labour; the men actually employed earn more than the entire cost of their maintenance, but there is a dead weight upon them in the shape of cooking, washing, invalids, plant, &c.; the statement quoted is the value of the labour in gross; if taken into account the plant and the haulage have to be deducted, 852–864. The men at Portland get 3 lbs. of solid food per day besides a pint of cocoa or tea, a pint of soup, and a pint of gruel; from experience it is found that men in confinement require a larger amount of food than men not in confinement; the system of lighter work and less food would not work satisfactorily; a criminal class in idleness out of doors would not require so much food as if at hard work, but not in solitary confinement, 865–877.

The great improvement would be to lengthen the period of penal servitude, to cut off the shorter terms under the Act of 1857, and to revert to the longer sentence of imprisonment in the county prisons, with the modifications before adverted to, in gradations of punishment, 878–879. This would not cause any difference to be made in the ordinary buildings of a county prison, it would be a matter in the routine of discipline, on a principle that has been working with great advantage in the military prisons for the last 18 years, which could be adapted to circumstances, 880–883.

The principal objections to intermediate prisons are two; the association of the prisoners at night, and the exhibition of persons undergoing punishment in so open a way; unrestricted association by day also is an objection, 884–885. Association by day is greater at Lusk than at Spike Island or at Portland; the gangs at Portland can converse among themselves, but they are under close superintendence; the warders there are in proportion to the numbers about 10 per cent.; conversation is not prohibited, unless it be improper, 886–891. With respect to the second objection, the setting the men at work before the public, such a thing would facilitate the employment of the men by the public afterwards, but the repressing effect is lost by exhibiting discipline in the way it is done at Lusk; it would rather have an attractive effect on those likely to fall into crime, 892–894. The whole course of the discipline being reformatory, instead of unrestricted association in the last stage it would be preferable to bring them back into separate confinement for two or three months, to make them reflect, and to give the officers an opportunity of communicating with them, and ascertaining the prospect of obtaining employment on discharge; it would not be difficult to effect it without unfitting a man for employment on obtaining his liberty, if done for a moderate period, 896–898.

It is doubtful if there is more instruction under the intermediate system than under the public works system; the schools at Spike Island were admirable, but there is scarcely any school at Lusk, except on the two evenings when Mr. Organ comes to lecture; the moral training and school instruction were greater at Spike Island than at Lusk, 899. There is no account kept of the quantity of work done at Spike Island, or of its value; the work done there is quarrying and removing of stone, 900-902.

The men at Broadmoor are selected as being near the end of their term of confinement, being also men of good character, tradesmen, and such as may be useful; their treatment is much the same as at Portland, but there is less superintendence; they are employed in making roads, terraces, fences, draining the ground, planting, &c., 903-907. They could escape easily if they wished, but only one man has ever attempted it; the same at Woking; there was not a single entry in the chief warder's defaulters book at Broadmoor, and he had been there six months, 908, 909. But this success in trusting them to a certain extent depended on previous training, and the men were selected men, and some of the best, 910-913.

Witness, notwithstanding his strong objections to police supervision over ticket-of-leave men, has always advocated the supervision of these men by one or

Jebb, Sir Joshua, K.C.B. (Analysis of his evidence)—*cont.*
two officers of the convict service, acting under certain regulations as to where and when they should meet; such a system would depend for its success almost entirely on the character of the men selected to carry it out, 914-916. There is no impossibility in gaining information of the men, after their release, whether on ticket of leave or on expiry of sentence, more is known about them than is supposed; the payments of the gratuities keep them under notice for four or five months, and it would cause surprise to see the number who have substantiated their claims to that indulgence; they are paid through the police, and have no personal communication with any officer of the convict service, 917-919. The inquiries made by the police to justify them in recommending a man for his gratuity have not materially interfered with the employments of the men, 920, 921. The arrangement made with Sir Richard Mayne has been going on for some years; the supervision instituted by Sir Richard is really effective, 922-925. The Prisoners' Aid Society's agent looks after them in some cases and assists them, 926.

Police supervision would not operate prejudicially on the rural districts if the men are not near the towns; if they lived near the towns they could run in, and the system would operate badly, 927. There would be no difficulty in attaching a longer period of ticket of leave to a penal sentence in the country districts, but there would be great difficulty in the towns; witness would prefer a short remission, in order to work out the discipline, and let a man be released free, then for the police to retake him if engaged in crime; but with regard to atrocious criminals and those whose conduct in prison gave no hope of amendment, they should be placed under closer supervision, 928. With a man wishing to do well but subject to temptation, it would be no check on his evil propensities to have to show himself to a police officer once a fortnight; it would hinder him in getting employment, but he would be able to evade the supervision; a man trying to do well should be placed under the convict department, the agency of which would assist him; witness would not object to having a special agent to superintend these men even in London, 929, 930.

The system adopted in Ireland is not so good in the first stage as at Pentonville; by imposing deterrent and unpleasant labour you interfere with the religious and moral instruction, as the men's minds are not fitted for receiving such as when employed in weaving or shoemaking; they do not like employment in a cell, and keeping them at that disagreeable employment hardly increases their desire for useful employment; their minds are not kept in the state most favourable for moral and industrial training and religious instruction, 931–934. A class similar to the special service men can hardly be safely extended in England; it is better to trust to the results of the discipline; the special service class is more for the convenience of executing the work than for any hope of moral good from it; witness would be afraid to trust any large proportion of inmates of a convict prison in a position similar to that of the intermediate prisons in Ireland, unless their own interests were strongly involved in not escaping, 935–937. The test in Ireland was not so great, as many of them had but a small portion of their sentences to undergo, but in England the public would not value it as a test at all; there are very few who could be brought under that kind of discipline, it would be inexpedient to try it, particularly in the neighbourhood of London, 940–942. Referring to the 67 out of more than 2,000 who had forfeited the privilege of a remission of their sentences, it was in consequence of gross misconduct or in persevering in small acts of misconduct, 943–950.

Jones, William, a convict so called, case of, *Whitty*, 4898–4902.

Judges:
Variety of sentences for same offences passed by, *Mayne*, 1659–1666. Discretion of, should be limited, *ib.*, 1664.

Judicial Statistics, contain every year an account of the number of known thieves, receivers of stolen goods, prostitutes, and vagrants, furnished by the police, *Waddington*, 461.

Juries, eligibility of ticket-of-leave and conditional-pardon men to serve on, in Western Australia, *Henderson*, 6340–6342.

Juvenile Prisoners:
Treatment of, in Holloway prison, *Weatherhead*, 5279, 5280. Large proportion of, return to Holloway, *ib.*, 5281.

Kennedy, Captain Arthur Edward (*Analysis of his evidence*):
Governor of Western Australia from 1855 to 1862, and as such it was his duty to superintend the convict service, and to watch the effects of transportation upon the interests of the colony, 2305–2307. The system, though capable of improvement, has worked well on the whole, while the colony has materially advanced since

Kennedy, Captain Arthur Edward (Analysis of his evidence)—*cont.*
convicts were sent there, 2308, 2309. From 1856 to 1862 there have been 192 bridges and 219 culverts built, and 1,030 miles of road cleared by convict labour, out of colonial funds, 2310–2315. There is no part of Her Majesty's dominions where life and property are more secure than in Western Australia, 2316. Western Australia has peculiar advantages for receiving convicts, on account of the difficulty of escape, and from its climate and natural resources, not a single probationary prisoner having escaped during the 12 years it has been a convict colony, 2317, 2318. The total number of ticket-of-leave men who may have escaped are 42 in 12 years, out of nearly 6,000 convicts; of these 42, 21 were carried away by American whalers; the resources of the colony, the accumulation of capital, and the development of labour will enable it to absorb as many able-bodied convicts as it is desirable to send there, beginning with 1,000 as a minimum, which might be gradually increased for about 15 years, 2320–2325, 2516–2524, 2608. The convicts release themselves by honest industry, and cease to be a burden on society; this arises principally from the absence of temptation, and the certainty of prompt punishment, 2326–2328, 2335. The number of persons convicted from 1855 to 1860 inclusive, before the only criminal court, the Court of Quarter Sessions, were in 1855, 56; in 1856, 29; in 1857, 15; in 1858, 11; in 1859, with an increased number of convicts, 17; and in 1860, 23,—2328, 2329. The general conduct of convicts upon ticket of leave is good; some raise themselves to a condition almost of affluence, and become the employers of convict labour; some have married the daughters of settlers, and have become men in a very respectable position, 2330–2333. The per-centage of those found unmanageable and repeatedly re-convicted is very small, 2334. With respect to the system of managing convicts in Western Australia, they are sent on landing to the prison at Fremantle, and if re-convicted men they are kept for some time in solitary confinement; but almost all who arrive in Western Australia have undergone a period of probation in England, and they are put in association at once, the term of solitary confinement passed in England being taken into account; after this the men are distributed in road parties in different districts; for these parties no buildings are necessary, as the men hut themselves, and when they have finished in one place they make new huts in another at no expense beyond the convict labour, 2336–2341, 2452, 2453. While employed on the roads they are divided into parties of from 20 to 50 each, under one or two warders, and their ticket of leave depends upon their earning a certain number of marks, calculated according to the length of the sentence, a portion of which may be forfeited for misconduct according to a fixed scale; every day's work is recorded in a tabular form for the men to see, so that they always know exactly how near they may be to the period of obtaining a ticket of leave, 2342–2347. The present is a great improvement upon the former system, it is less complicated, the men understand it clearly, and it has been very successful in stimulating them to industry, while the former system was ill understood, and a constant source of irritation between the men and the overseers; the only weak point in the present system is the difficulty of getting men who will administer it conscientiously and honestly, but any system of managing convicts must depend entirely upon the efficiency of the warders, 2349–2355. The system of the road parties resembles the intermediate system in Ireland in almost every respect, 2356, 2357. It is absolutely necessary to the success of any system in Western Australia that convicts should undergo a period of labour, such as working upon the roads, where they become connected with settlers in the neighbourhood who know their merits, they get accustomed to the rough life of the bush, any exaggerated expectations of high wages are dissipated, they are enabled to know the country better, and are also trained to the description of labour they will have to perform as ticket-of-leave holders, 2358–2362. The expense of keeping the men in the road parties is not greater than of those confined at Fremantle; there may be a slight additional wear and tear of clothing, but they are doing work calculated to render the resources of the colony available for an increased number of settlers, 2363–2365.

The advantages which the discipline officers now enjoy are not sufficient to induce the best men to enter the service, for while the wages of free labourers are about twice as high in the colony as in England, the warders only receive the same rate which they would receive at home; consequently, they are in a lower position compared with the men under them than they would be in England; and the prolonged contact with convicts deteriorates the *morale* of officers; men should not be employed in those capacities for too lengthened a period, 2367–2371. If the warders had the prospect that after a certain term of service they might acquire 50 acres of land cleared by convict labour, as is the case in the police of Western Australia, a better class of men would be obtained, and, as the nature of the service

Kennedy, Captain Arthur Edward (Analysis of his evidence)—*cont.*

is so harassing, the men should be enabled to look forward to relief from it after a certain time, 2372–2375.

Many evils formerly arose from the gratuities paid to convicts on discharge, but that has been remedied to a great extent by transmitting the gratuity to the magistrate of the district to which a convict is assigned, the magistrate paying out the money as the man required it while seeking employment; a gratuity was originally given to enable a man to reach his home, or provide himself with necessaries while in search of employment, but in Western Australia he does not want that assistance; a few shillings to provide for his immediate necessities would be sufficient; gratuities, on the whole, do mischief instead of good, 2376–2379.

Among the convicts sent to Western Australia there were many lunatics, several men convicted of unnatural offences, and clerks who had committed forgery and embezzlement, all very objectionable people to be sent to a colony, 2380–2389, 2511–2514. The men sent out to Australia should be men capable of earning their bread, 2390. There were no fewer than 27 or 37 murderers in prison in Western Australia at one time in 1861, but murderers and that class of men are not the most objectionable class of persons; those who have committed robberies with violence are men comparatively harmless there, for there are very few people to rob, and there is nothing portable to steal; the London thief is the worst, he will not work if he can help it; but he should not be excluded if he would work, 2391–2393, 2515. In Western Australia convicts do not obtain tickets of leave until they do work, for if a man would not or could not earn his bread as a ticket-of-leave holder he was sent back to the establishment, and ticket-of-leave holders who could not find immediate employment received nothing but their food and clothes in return for their labour, and under that system they very soon found some employment; while they received 6*d.* a day they hung about the depôts for a long time, and the result was that about 500 or 600 were chargeable to the Imperial Government, and when the 6*d.* a day system was first abolished, and the men who could not satisfactorily show they were unable to find labour, were refused admittance to the depôts, that number was wholly swept away and the charge extinguished, so that there are now only those who are incapacitated for labour, 2395–2399.

The system of giving conditional pardons is a great mistake; the objections are, first, that a man, immediately he gets his conditional pardon, is in the status of a free man; he is not subject to summary jurisdiction, he must be punished through the intervention of a jury for any serious offence; 2d, that immediately a man gets his conditional pardon, he wanders where he likes, he very likely fixes himself upon some respectable ticket-of-leave man, absolutely live upon him as long as he pleases, and that separation which is absolutely necessary to the success of the system cannot be enforced, 2400–2402, 2485. If the power of certain and prompt punishment were retained for the whole of the original sentence, the conditions of the ticket of leave might be relaxed in the case of well-conducted men, and this would be approved in the colony, 2403–2407. A ticket-of-leave man is preferable to a conditional-pardon man, because in the one case, if a man offends, the employer can have him promptly punished, but in the other case the offender must be tried at the quarter sessions; though, on the other hand, the conditions on which a man holds a ticket of leave do not discourage him if he behaves well; he is confined to a certain district, and he is obliged to be in his own house at a certain hour at night, 2408, 2409.

Some inconvenience has arisen in Western Australia from the inequality of the sexes, but this has been relieved by sending out a number of free women, who have done very well there; a preference was given to those who came from the Irish workhouses, as they were found most suitable to the condition and state of the colony, having been better trained for the hardships of bush life, and they also were the best as to moral character, whilst in English workhouses the inmates are generally brought up without any habits of industry, and have contracted habits of idleness, 2410–2415. It is not desirable to send female convicts to Western Australia if a sufficient number of free women can be obtained, for there is a strong feeling in the colony against female convicts, and they could not be sent without forming an establishment for receiving those who misconducted themselves, which would involve great expense, and the results would be very doubtful, 2416–2418. The Emigration Commissioners have always sent out as many free women as were asked for; it would be a great evil to induce a greater number to go out than could find employment; the proper plan is for the Government to watch the means of finding occupation for

Kennedy, Captain Arthur Edward (Analysis of his evidence)—*cont.*
them, taking care to introduce into the colony only as many as could be absorbed, and by this means any serious evils arising from the inequality of the sexes might be averted, 2419–2421. There are many employments in the colony for which married men are unfit, and they have much less facility for getting employment in the remoter districts than the unmarried, 2422, 2423. The uncertainty as to whether convicts will continue to be sent out to Western Australia has been a great difficulty in managing the system, 2424 As the buildings and establishments have been provided for a far larger number of convicts than have been sent, many more might be sent out without any proportionate increase of expense, 2425, 2426.

The military force available in case of an outbreak on the part of the convicts consisted of one weak company of line troops and a company of Sappers and Miners, but these are now withdrawn ; the change was injudicious, and is not economical, the expense of the pensioner force being so much larger than that of the line, 2427–2430. The pensioners become a permanent addition to the population of the colony when not on military service, 2431. States various details as to the employment of pensioners in the colony, their duties, and plan adopted for their location. 2432–2441. There is no tendency to an outbreak on the part of the convicts, who are generally dispersed in the road parties ; on the contrary, they have shown a very good feeling towards their officers ; this was very conspicuous in a case where a warder, supposed to be the severest in the establishment, was buried under the earth of a landslip, and was extricated by the men of his party, and they saved his life thereby, nobody being present except the officer and the convicts; there has been scarcely a case of violence to warders in Western Australia ; there was one bad case at Fremantle in 1856, for which the man was executed, and there has not been a case since that ; there has never been a case of the kind in the road parties, 2442–2446. The men prefer employment in the road parties to being at Fremantle, as the discipline is less severe, and there is less routine, 2447. The men nearest to obtaining tickets of leave are generally selected for the road parties, the object being to keep as few of them at Fremantle as possible, and to prevent them from being massed together in large numbers, for which purpose a colony like Western Australia affords great advantages, 2448–2450. The ordinary number of convicts kept at Fremantle is about 300,—2451. The marks which a prisoner may earn each day depend upon his general conduct and willingness to work, as it would be impossible to award them by the quantity of work done, one man not possessing the same strength or aptitude as another, 2455, 2456. A conditional pardon is granted after a certain period of good conduct on ticket of leave, calculated in proportion to the original sentence, that proportion being settled in this country according to a regulated scale, the governor forwarding a list to the Secretary of State, and that list is approved or disapproved as the case may be ; the only condition attached is that the man is not to return to England, 2457–2460. The conditions of the ticket of leave are simply that a man is restricted to a certain district, which he is not to quit without permission of the resident magistrate, and he must not be out of his own house after 10 o'clock at night ; if he is guilty of any crime, he is brought before a magistrate, who may sentence him, without the intervention of a jury, to three years imprisonment ; he may also be remanded into custody for drunkenness, and be re-committed for a time, 2461–2463.

From 1829 to 1850 the colony had made very little progress, and in the latter year many people left it, while during the same period the other Australian colonies had become very prosperous ; this was chiefly attributable to the poverty of the country and the unattractive nature of the soil, 2465–2471. In round numbers the revenue of the colony in 1855 was 34,000*l.* ; afterwards it advanced very considerably ; the revenue in 1860 increased to 60,000*l.* a year, and the number of sheep in the colony exceeded 250,000 ; but it has progressed very slowly in comparison with New South Wales, 2473–2480. The cases of New South Wales and Western Australia, with regard to founding a convict colony, are not analogous, the land in the one being more productive than in the other, 2481. The number of conditional-pardon men who leave the colony cannot be stated with any degree of accuracy, because they are included generally with the expirees, and it is difficult to distinguish between the two, but many have no doubt left and gone to places where they have found superior attractions ; it is supposed that an average of 300 leave the colony annually ; nevertheless, there is no probability that, were conditional pardons abolished, a glut would be created in the labour market by considerably increasing the number of prisoners in Western Australia, 2487–2495. Witness does not agree with Colonel Henderson's opinion as to the effect of abolishing conditional pardons, nor with that of Capt. Wray, who acted as comptroller of

Kennedy, Captain Arthur Edward (Analysis of his evidence)—*cont.*

convicts during Colonel Henderson's absence ; for if the men were debarred from quitting the colony at an early period, they would make themselves independent, and become the employers of labour ; the granting of conditional pardons unsettles their habits altogether, 2496–2499. As to the average time before the expiration of a sentence when a convict receives a conditional pardon, in round numbers, a life man would become comparatively free in 12 years, and a man sentenced to eight years is entitled to his conditional pardon after six years, and if to seven years, after five years and a quarter, so that the effect is to diminish a year and three quarters, and from that to two years, of the entire sentence ; but there are many men who would quit the colony as they became expirees, 2501, 2503–2507. On 31st December 1859, out of a total of 483, there were 156 for life, 2502. An expiree is not so likely to levy black mail on a ticket-of-leave man as a conditional-pardon man, because the latter, if he knew that he could not quit the colony until his sentence expired, would set himself about making a home if he had six or seven years to look forward to, 2508–2510.

The census will show the effect of transportation between 1850 and 1862 upon the original free population, 2525. Witness states the free and convict population between 1850 and 1859, showing a diminution in numbers of 2,582 of the free settlers, this is in part attributable to the attractions of Melbourne and Sydney ; but notwithstanding the barrenness of the country and its poverty a large free population will arise in Western Australia, 2526–2533. The statement of a memorial in 1860, that convict labour was driving the free mechanics out of the field, does not represent the opinion either of the colonists generally, nor of the Legislative Council, 2535–2539. For the present it will be necessary for the Government to send out free people without cost to balance the convict population ; this is necessitated by the uncertainty which exists as to the continuance and extent of transportation to Western Australia, 2540, 2541. There has been no difficulty in finding free people willing to go to the colony ; a system has been adopted, latterly, of sending home lists of the friends and relatives of residents in the colony, in order that they should come out, and the Emigration Commissioners have sent them out in preference to others, a great majority of whom were the friends and relatives of persons who went out to the colony as free settlers, 2542–2544. No man of sense or capital would invest his money in Western Australia, unless he knew what was to be done as to the convict question, and that uncertainty has militated much against the prosperity of the colony ; the greater portion of the land sold in the last three years has been purchased in small blocks by *bonâ-fide* labouring men, 2545. The proportion of cultivated land compared with the population has not increased in the same proportion as it has in free colonies ; but that has arisen from the scarcity of labour, 2546. Judging from what has been done in other colonies, Western Australia will at some period refuse to receive convicts, 2548. One of the main reasons why the colony consents to take them is the value of their labour ; another important consideration was the undertaking by the Imperial Government that transportation should be carried out to such an extent as to make the annual imperial expenditure of importance to the colony, and if that expenditure was to be materially decreased the convicts would not be as welcome as they are now, 2549–2556. The money spent by the mother country has been expended to get rid of a class of men who are very dangerous at home, and to send them to a place where there is no danger to be apprehended from them, and at no greater cost than would be required to maintain them in England, 2557. Some of the well-to-do conditional-pardon men and expirees leave the colony, a considerable number of whom return to England, 2560–2563. Men of this class who have acquired a little means are invariably circumspect in their conduct, because they have a stake, they have something to lose, 2565–2567. There is no record kept of expiree convicts who return to England, 2568, 2569. A very useful mode of employing probationary prisoners would be to open up the country by building bridges and making roads, and above all in clearing the land, and then to put those lands up to auction for purchase by emigrants, and by that means every successful colonist would possibly become the employer of three or four men, 2570. Representations were repeatedly made to the Colonial Office that a larger number of convicts were desired, but the convicts did not come, 2571, 2572.

The working of the convict system entirely depends upon the manner in which the officer of the party discharges his duty, 2573. The officers have a tendency to make the most favourable report of their parties, but that is not calculated to produce bad effects to any great extent, as the officer is always controlled in the discharge of his duty by a superior officer who visits the working parties not less than once a week ; he has no opportunity of observing generally, but an experienced officer can always form a pretty accurate opinion ; he examines the

Kennedy, Captain Arthur Edward (Analysis of his evidence)—*cont.*
amount of work done by the party since the previous visit, 2575–2580. The lodging of the road parties depends upon the nature of their work ; they are generally hutted ; sometimes they are under canvass, but not often, 2582. The period during which the convicts are employed on the roads corresponds, according to the length of the sentences, with the time which, under a sentence of penal servitude, is passed on the public works in England, 2583–2585. A man whose conduct is exemplary can gain a maximum of four marks a day, which if kept up would curtail his sentence by one-fourth, and entitle him to a ticket of leave ; the time has been prejudicially shortened by more than this in the case of life-sentenced men (Redpath's is one instance), 2586, 2588, 2619–2623. The convicts detained at Fremantle are generally those who are the furthest from obtaining their ticket of leave; they are kept there simply because there is prison accommodation for them, and work for them to do, being employed on the public works there instead of being sent out on the road parties, 2590–2592. There is a minimum time within which a man cannot earn a ticket of leave, 2595. The period of probation a man has to serve in the colony depends entirely upon the time he has before served in England ; the conditions with respect to a man being limited to a certain area or district, and not being allowed to be out of his house after 10 o'clock at night, are enforced by the police ; the districts are very large, but there is little inducement to wander from certain spots, and they are obliged to report themselves periodically to a magistrate or to the police, and a man is always compelled to have his ticket of leave, and to produce it to anyone who demands it, 2596–2601. Lengthened imprisonment is the greatest mistake that ever was committed as to convicts ; it unfits a man for a life of labour, for after a certain period it ceases altogether to have the desired effect, and a man becomes a sort of routine creature, and goes about his daily business as a convict, without feeling any irksomeness whatever ; but road labour as carried out in Western Australia fits them for a life of industry afterwards ; keeping them for five or six years in England before they are sent to Australia does the men more harm than good, 2609–2611, 2666. There is no reason to regret men under life sentences being set at liberty as soon as they are eligible, 2614. The term of imprisonment should be shorter, with a longer period of ticket of leave in the colony ; this is the way to reform a convict ; he has a certain amount of liberty given to him, and if he abuses that he may be pounced upon in a moment, 2615, 2616. In large penal establishments a great number of men are required for clerical purposes, who, by industry and intelligence, obtain marks just as if employed at manual labour, or in fact without labour at all ; this system should not be continued, 2623–2626. For colonial purposes men with less than seven years of their sentences to run are of no advantage ; long-sentenced men are preferable, as generally they are much more easily managed, 2627–2631. Ticket-of-leave men, if convicted by the colonial magistrates, are sent back to prison, and kept in separate confinement, for terms varying according to the unexpired portion of the sentence, the maximum time being nine months ; in case of revocation for general misconduct without a re-conviction, they are not subjected to separate confinement, but are sent back for the remainder of their probation, 2632–2636, 2639, 2640. It would be advantageous if that plan were adopted in England, 2637. Where a ticket of leave is revoked, the holder is almost invariably taken before a magistrate and punished, except in cases where the police may be in formal communication with the executive, 2640, 2641, 2643. The men are always brought before a magistrate for drunkenness, for which they would be punished by being sent back to the convict establishment for a shorter or longer period, but would not be placed in separate confinement, 2642–2645. The magistrate simply sends the men back as unfit to be at large ; but if less than a month of the original sentence remained, the magistrate would name the period for which they would be confined, the longest sentence not exceeding a month, 2646–2650. The great object to be aimed at is, the prevention of drunkenness among convicts ; if that were accomplished there would be no trouble, 2650. The whole of the ticket-of-leave men are in the employment of private individuals ; there are seldom any complaints of their conduct, excepting of the men temporarily out of employment, 2651–2654. Conditional-pardon men are not excluded by law from sitting on juries, but in practice the sheriff does not suffer them to do so, and this is open to very grave objections ; they should be excluded by law ; expirees are in every respect eligible, 2655–2657. Conditional pardons should be abolished, and tickets of leave granted instead, extending to all sentences, including those for life, leaving it to the discretion of the Government to mitigate the sentence, 2659–2662, 2674.

Knight, Capt. :
The system of marks instituted by, *Crofton*, 3151, 3174, 3474.

Labour:
Of convicts at Portsmouth, *Gambier*, 3908–3912; report of, *ib.*, 3914, 3915; value of, *ib.*, 3917–3919. Prisoners perform a very fair day's work; task work would be impracticable, *ib.*, 4033–4035. Valuation and check and nature of labour of convicts at Portsmouth and Chatham, *ib.*, 4182–4198. Done by convicts at Portsmouth less satisfactory than at Portland and Chatham; more irksome to the individual; hours of, at Chatham and Portsmouth; desirable to have them increased, *ib.*, 4208–4222. Better for convicts to pass their time in labour than attending evening service in chapel, *ib.*, 4230–4232. Regulation of labour done by convicts at Portsmouth, *ib.*, 4233–4239. At Spike Island as hard as at Portland, *Whitty*, 4475. Inefficient supervision of work done by convicts, *Measor*, 5440–5444, 5460. Value of labour of convicts on public works, *ib.*, 5466. Diet of convicts should be proportioned to work done, *ib.*, 5508–5510. No accurate test at present for convict labour; suggestion for such, *ib.*, 5549–5551. Labour done by convicts should be charged by one department to another so as to be properly valued; the convict department should stand in the position of a contractor, *ib.*, 5671–5675. Proportion of labour of convicts to that of free labourers, *Macdonnell*, 5871–5880. Estimate of value of, too high, *ib.*, 5924 *et seq.*

Labour Market in Western Australia capable of absorbing large numbers of released convicts, *Henderson*, 6136–6141, 6148, 6194.

Labourers:
Wages earned by, in Dublin, *Crofton*, 3556–3567. Demand for, and employment of, *ib.*, 3568–3572.

Land suitable for settlement in Western Australia, *Henderson*, 6149–6152, 6261–6263; for grazing, *ib.*, 6195.

Lashes, number of, restricted to a convict and in the army, *Gambier*, 4053–4058.

Lecturer to Irish Intermediate Prisons:
Duties of, *Organ*, 4489–4492, 4503. Nature of supervision exercised by, *ib.*, 4491, 4498, 4501, 4508. Ticket-of-leave holders in Dublin report themselves to, *ib.*, 4526. 10 per cent. of discharged convicts obtain employment through, *ib.*, 4589. 243 have been placed under supervision of, since beginning of the system, *ib.*, 4651. Police never interfere with men under supervision of, *ib.*, 4726.

Lecturer. *See* Organ, Mr.

Lectures:
To prisoners in the intermediate stage of imprisonment in Ireland, *Crofton*, 3492–3496. Given to the convicts to encourage them to emigrate, *ib.*, 3504–3506. Subjects and objects of, given in the intermediate prisons in Ireland, *Organ*, 4489, 4539, 4558, 4567, 4568, 4578–4587.

Leicester Prison:
Treatment of prisoners during separate confinement the same as at other prisons, *Jebb*, 281. Number of prisoners it will hold, *O'Brien*, 1999.

Letters:
From an employer of released prisoners, *Organ*, 4493. From an emigrated convict, *ib.*, 4543. On the working of the ticket-of-leave system in Ireland, *ib.*, 4498. Letter of witness to the Directors of Convict Prisons, detailing his plan with regard to the schooling of the prisoners, *Measor*, 5471, 5476. Reply of Sir Joshua Jebb, *ib.*, 5475. Extract of a letter from witness on conditional pardons, *Henderson*, 6173.

Licence Holders:
Number of, discharged from Smithfield and Lusk, of those emigrated, relapsed, and of licences revoked, *Crofton*, 3595–3600, 3602–3608, 3618–3621. Released from Spike Island and Philipstown, *ib.*, 3601, 3602. From Smithfield and Lusk, *ib.*, 3611–3613. Relapses of, *ib.*, 3613, 3614. Number of, under supervision in 1862, *ib.*, 3632. Discharged from the intermediate prisons since they were opened, *Whitty*, 4872–4879. Those discharged from the public works prisons are grave offenders, *ib.*, 4881. With licence revoked are re-sent to Mountjoy prison, *ib.*, 4909.

Licences:
All persons having licences before 1860 were the old transported class of convicts, *Everest*, 89. Number of persons discharged on licence since 1853, *ib.*, 90–93. Number of, revoked, per-centage of, *ib.*, 105–107, 116–118. All persons recommended for, are put forward by the Directors of Convict Prisons, *Jebb*, 241. Principles by which the recommendations are guided, *ib.*, 242. Men with licences revoked are taken to the prison whence released, and receive no further remission, *ib.*, 411, 412. Witness would prefer taking them to Millbank, *ib.*, 415, 416. Difficulty in enforcing the conditions endorsed on licence, *ib.*, 420. Very few

Licences—*cont.*
revoked without some crime being proved against the men, *ib.*, 422. Objection at first to grant, to prisoners unless they had obtained employment, *ib.*, 518. Numbers of men discharged on, and returned afterwards to prison, *ib.*, 532–534. Numbers of men discharged on, after the usual time, or detained in prison for misconduct, *ib.*, 536, 537. Revoked for the slightest infringement of rules, *Crofton*, 3314. Rigid enforcement of the conditions of, under the Irish system, *Whitty*, 3687. Of released prisoners, supervision of holders, *ib.*, 3780–3792. Recovery of those breaking conditions of, *ib.*, 3795–3798. Number of licences revoked in Ireland, in 1862, *ib.*, 4417 *et seq.* Construction of terms of, *ib.*, 4443–4447.

Liverpool, the worst town in England, and the greatest number of prisoners come from, *Moran*, 4843.

London Thieves, are the worst amongst the convicts in Western Australia, *Kennedy*, 2393, 2394, 2515.

Long Sentences:
Preferable to short; not difficult to carry out at home, with proper arrangements, *Crofton*, 3416, 3417, 3577–3580. Increase in number of, in Ireland in 1862, *ib.*, 3643. Suggestions for adopting, quoted, *ib.*, 3645. Produce better results than short, *Organ*, 4516.

"Lord Palmerston:"
Bad character of convicts shipped on board of, *Measor*, 5562, 5593, 5599, 5811. All who were eligible in point of time were sent out in, and many more, *ib.*, 5856, 5857. Instructions as to selection of convicts to be sent out in, *ib.*, 5593–5597.

Lunatics:
Complaint, that some were selected for transportation to Western Australia, *Jebb*, 756. So done entirely on medical certificates, *ib.*, 757. Not knowingly transported, *Gambier*, 4370–4372.

Lusk:
Intermediate prison at, under the Irish system, *Jebb*, 621, 629–631. Dress of prisoners and warders at, *ib.*, 631. Accommodation and diet at, *ib.*, 632–634. Instruction given at, *ib.*, 635. Gratuities earned at, *ib.*, 639, 640. Emigration promoted at, *ib.*, 641–643. Appearance of the men at; a nice farm, nothing to indicate its being a place of penal servitude, *ib.*, 688. The exhibition of the prisoners working without restraint at, would decrease the apprehension of the public as to the employment of the men afterwards, but the repressing effect of punishment is lost, *ib.*, 893. Intermediate prison at, description of, number of prisoners at, *Crofton*, 3236–3240. Their employment, *ib.*, 3263. Mode of spending their gratuities, *ib.*, 3269–3273, 3275, 3277–3283. Alarm of the public in the neighbourhood at first, *ib.*, 3286. The work at, is merely agricultural work; the prisoners at, are not confined, but are not allowed to associate with free labourers, *ib.*, 3590–3594. Numbers of licence holders released from, emigrated, &c., *ib.*, 3598–3600, 3602, 3613. Dietary at, higher than at any prison in England; labour at, severe, *Whitty*, 3743–3749. As to allowance of meat at, *ib.*, 4470. Subjects of lectures at, *Organ*, 4489, 4539. Period during which convicts attend lectures at; object of lectures at, *ib.*, 4558, 4559. Nature of employment at, *ib.*, 4693, 4694. Convicts at, are lodged in one hut; the arrangement is satisfactory, *ib.*, 4729–4731. Convicts at, sleep in association, but under supervision; they are the best selected men, *Measor*, 5853–5855.

Macdonnell, Mr. James (*Analysis of his evidence*):
Was employed as a civil engineer to superintend the works carried on at Chatham by convicts under Mr. Brunel for five or six years, also under Sir John McNiel, in Ireland, for upwards of five years, in the construction of very extensive works, and for the last seven or eight years under the Admiralty superintending the construction of docks and slips principally, and now at Pembroke dockyard, 5858–5866. The works performed by convict labour at Chatham for the Admiralty comprised pile driving to a large extent; digging, filling, and wheeling clay; loading and unloading mud barges; unloading barges with stone by means of cranes, dressing stones ready for setting, and brickmaking, &c., also some minor work in carpentry and smith's work, such as making and repairing tools and plant, 5867, 5868. Seeing the convicts at work every day, witness had abundant opportunities of ascertaining the value of their labour, and the proportion it bore to free labour. At pile driving nine convicts did as much work as seven free labourers. In digging, filling, and wheeling the clay, three convicts moved as much as two free labourers; at this kind of work the general run of pay for ordinary labourers was 2*s.* 6*d.* per day, so that the work of

Macdonnell, Mr. James (Analysis of his evidence)—*cont.*

three convicts was worth 5*s.*, 5869–5875. Many convicts were employed at moving clay at St. Mary's Island, 5876. At loading and unloading of mud barges the convicts did as much work as free labourers ; they seem somehow to be more zealous in doing dirty work than clean work ; in unloading barges of stone they did as much work as free labourers, and very frequently more when they were in the humour, 5877, 5878. In dressing stone the value of the convict labour varied very much, owing to the frequent changing of the convicts ; if they were kept at that particular work and an instructor placed over them, after a few months the proportion would be about four to three, but owing to the frequent substitution of inexperienced hands it had been often as high as five convicts to one free mason ; there was great waste of skilled labour and of store of tools ; in brickmaking they carried on their work very satisfactorily, and did almost as much as free labourers, with the exception of moulding the quantity of bricks, 5878-5880. This comparison is made on the supposition that both work the same number of hours, 5901. Generally speaking they did their work willingly and cheerfully, but at times they would sulk, 5883. If the numerical strength of the parties was better regulated to suit the nature of the work, their labour individually would be more valuable ; 14 (the average number in a party) have been sometimes sent to pile driving, whereon nine men could only be employed ; at stone dressing the number of the party is increased to 20 or 21, 5884–5886. The convicts work generally under the direction of the warders ; witness used to give instructions to the principal warders, and they transferred the instructions to the assistant warders, who then gave directions to the convicts ; if the instructions came direct from the officers employed by the Admiralty more work would be obtained from the convicts ; they do not work so cheerfully when they receive their instructions from the warders, who are not at all suited for carrying on those works advantageously; being principally old soldiers, and not having the proper method of instructing the men, the convicts have not the same willingness to execute an order from anyone connected with the convict department as from the Admiralty department ; they would pay more attention to what a stranger would say than to their own warders, and would work more cheerfully ; they have a great dislike to be removed from one kind of labour to the other, even if they are removed from dirty work to cleaner work; they say they know more about the work than the warders do, and if they find that a warder is not competent to instruct them they immediately take advantage of it, 5887–5896. The hours of labour are generally from 7 in the morning till 11; they then go in to dinner at 11 o'clock and remain until 2 ; they then work from 2 up to 4 or half-past 4 ; free labourers work from 6 o'clock till 6, taking an hour for breakfast and an hour for dinner, therefore working 10 hours in summer, while the convicts work only 7½ hours in the summer, and for only six hours and 5½ hours in the winter ; considerable time is wasted in going back to their dinners ; as much as three hours were so spent ; but there is a good deal of parade work inside the prison which they have to undergo, 5897–5900. The experiment was tried of having their dinners taken out to them on the working ground ; a mess-house was erected for them on the island, where they dined, but after a while there was an outbreak there, and since then they have been taken back to the prison again, as the authorities were afraid that there was not sufficient control over them there ; it was considered that they were too much brought together in large numbers ; while in the prison they had their separate cells to dine in ; at the mess-house they were altogether, and thereby had opportunities of conversing and carrying on intrigues together, 5903, 5904. A difference arose between the convict department and the departments for which the work was done, as to the mode of carrying on the work, but it has been reconciled ; the convict department were anxious to take the whole thing into their own hands, and to act like contractors upon ordinary works, and also to have the direction of the work under instruction from Admiralty engineer ; the Admiralty were of a different opinion ; the Works Department under the Admiralty should have had the whole control, as they were responsible for the stability of the work, 5905–5908. The work to be done is directed by the foreman of works, who is instructed by the foreman of works on the part of the Admiralty ; he tells the former what is to be done, that officer passes it on to the warders, and the warders pass it on to the convicts ; the directions ought to be given direct from the engineer to the warders in the presence of the convicts, 5909-5914. A few free labourers are employed on St. Mary's Island at tidal work and night work ; they get 5*s.* a day, they are called navigators, and their work is partly carried on by night ; free labourers who are employed on the same labour as the convicts perform on St. Mary's Island, would get about 2*s.* 6*d.* a day ; but at pile driving they would do a fourth more

Macdonnell, Mr. James (Analysis of his evidence)—*cont.*
work than convicts would, 5915–5923. The estimate in the appendix to the directors' report, where the convict labour of 10 hours a day is valued at 3*s.* 6*d.*, is much too high for such unskilled work; a convict's labour is worth about 2*s.* a day, when a common free labourer at similar work is worth 2*s.* 6*d.*; 2*s.* is the fair value for convict labour, 5924–5926. A daily registry was kept in witness's office of the number of convicts employed upon each description of work, and on the 1st of each month a return of work done, and the number of convicts employed thereon, was forwarded to the Admiralty director of works; his own duties were limited to laying out the work and seeing that it was done according to the specification, and he had frequent opportunities to compare the convict labour with free labour at the stone-dressing, by men who taking them all round were equal in physical power, 5928–5934. Free labourers for making 1,000 bricks, generally speaking, get about 6*s.* a thousand; it is mostly done by contract work, so that 10*s.* 6*d.* as charged for convict labour at the same work is too high a charge, it is beyond the local prices, 5935–5938. 3*s.* a day would be a fair charge per day for such of the convicts as were employed upon carpenter's work, at 10 hours a day; they generally in a party of 14 managed to have three or four carpenters selected from amongst the convicts, which makes the average value so high, 5941. Bricklayer's work would be worth 2*s.* 6*d.* on an average, 5942. Prisoners might be got to work quite as well as free men; if they got twopennyworth of tobacco in a day they would do at least 30 per cent. more work; tobacco is considered by those men so great a luxury that they have been seen to pick up that which some of the free men had thrown out of their mouths after chewing it; the convicts are not allowed to smoke in the dockyard, nor the free men; even without the tobacco, regarding them as convicts, they sometimes do a very fair day's work, but they are so changeable, sometimes they work well, and very indifferently at other times; a great deal depends upon the warder, some of the warders are greater favourites with the prisoners than others; they are very hard to manage sometimes, 5943–5948.

The warders are not under the influence of fear of the convicts, but they will, in order to keep themselves square, try to pull well with them, for if the latter do not like the warder they will report him, and complain that he behaves harshly and overworks them, and the warder probably gets fined 2*s.* 6*d.*, 5949–5952. Warders are not afraid of personal violence from the convicts if they do not make good reports of them; there have been cases in which the men have threatened, and even knocked down and injured their warder, but those cases are very rare indeed, 5953–5959. The parties which at Chatham are placed under the care of a single warder are not too large, 14 is a very fair number, and a single warder can manage 14 men very well at work requiring no instruction; 14 is the average number in each gang; at stone-dressing one warder cannot well manage 14 men, it is too much when he has to instruct as well as to attend to the discipline of each man in the party, 5960–5965.

Marks:
System of, introduced into the Irish prisons, *Crofton*, 3151. Well understood by prisoners, *ib.*, 3164. System of, pursued in Spike Island prison, *ib.*, 3176, 3177. Number of, necessary to be obtained by prisoners, *ib.*, 3179. Good effects of the system, in Ireland and in Western Australia, *ib.*, 3197–3200. Men complain if they think they are wronged in the apportionment of, *ib.*, 3201. Value of the system of, in Ireland; credit of, due to Capt. Knight, *ib.*, 3474, 3475. System of, in Ireland, *Whitty*, 3811–3821; in Western Australia, *ib.*, 3827–3833. Use of, with "V. G." and "G." at Spike Island, *ib.*, 3850–3855. Good-conduct marks fallacious, *Smith*, 4952.

Matrons of Convict Prisons, salaries of, *Jebb*, 774.

Maximum Time:
A prisoner may be kept in an intermediate prison, *Crofton*, 3296–3298. Of separate confinement in Ireland, *Whitty*, 3859.

Mayne, Sir Richard, K.C.B. (*Analysis of his evidence*):
Commissioner of the metropolitan police from its foundation in 1829,—1497, 1498. Comparisons of the increase or decrease of crime in the metropolis should be made from 1840, because the district was then enlarged to its present extent; the Criminal Justice Act, which came into full force in 1856, also deranges the returns as to indictable offences and summary convictions, 1500–1503. The number committed for trial in 1861 is about 100 less than in 1856, but there has been a large increase of population in that time, 1504–1509. In 1860 the total number taken into custody was 62,937; in 1861, 63,244; in 1862, 68,287, being an increase of 8½ per cent. in 1862 over 1860, and 8 per cent. over 1861; of those committed

Mayne, Sir Richard, K.C.B. (Analysis of his evidence)—*cont.*

for trial there were 2,813 in 1860; in 1861, 3,044; in 1862, 3,622, or a per-centage in 1862 over 1860 of 28¾, and of 19 over 1861,—1510–1513. The increase in 1862 was in burglary and in attacks upon the person, 1514. Cases of robbery with violence in the last six months of 1860, 1861, and 1862, were 18, 17, and 82, respectively; cannot state whether there was any increase in those offences in the first six months of 1862, 1515–1519. The number of cases of burglary in the last six months of 1860 was 106; in 1861, 103; in 1862, 143, 1519–1524. There have not been many cases of atrocious burglary by professional burglars; there were some cases in 1861, but violence in burglary may be the result of accident, 1526–1530. To constitute the offence it is not necessary to enter the house, merely putting in the hands would be sufficient, 1531, 1532. There were 124 cases of burglary known to the police in 1860; 120 in 1861; in 1862, 225 cases of burglary and highway robbery, 1532, 1533. The great increase in these offences was in the latter half of 1862, especially in highway robbery, 1534–1536. The value of property stolen in robberies with violence, which includes the estimated value (no doubt liberal) of watches, &c., in 1860 was 293*l.*; in 1861, 39*l.*; in 1862, 269*l.*; it is remarkable that the robberies in the last six months were effected instantaneously; in several cases the parties could not state how they were attacked beyond finding that a watch had been stolen; in Mr. Pilkington's case and in that of Mr. Hawkins, both of whom had money in their pockets, a watch only was taken; the value of the property taken in burglaries was in the year 1860, 1,275*l.*; in 1861, 1,309*l.*; in 1862, 1,614*l.*; in burglaries the value of the property varies very much, 1537–1539. The number of persons apprehended for robbery with violence was, in 1860, 18; in 1861, 21; in 1862, 92, 1540. The amounts given were from statements made to the police; there was no reason to suppose the statements were incorrect, except from the tendency to exaggeration, if anything the amounts would perhaps be smaller, 1541–1543. No doubt all burglaries and robberies with violence are reported to the police; the estimated loss of property in the metropolitan police district is published monthly, 1544–1546. With respect to the cases in 1862, in almost every case some persons were apprehended as suspected; in 1860, two were apprehended out of 18 cases; in 1861, there were some apprehended in every case; in 1862, of the 82 cases, 19 occurred in which none were apprehended; but there are cases in which, although not apprehended for the particular offence, they are convicted afterwards for other offences, as in the case of Mr. Pilkington; witness has no doubt the parties who committed that offence have now been sentenced, one to penal servitude for life, and the other to 20 years; this was a remarkable case, for although the parties were suspected, there was no possibility of producing evidence, because nobody had seen the act done, but two parties who had been ticket-of-leave men, but were not so at the time, and who were believed to be the offenders, were afterwards committed as suspected characters; on their liberation, they were committed for a highway robbery with violence; that was one of the cases tried before Mr. Baron Bramwell, 1547–1552. In 1860 there were 47 cases of burglary in which there were no apprehensions; in 1861, 18; in 1862, 90 out of 225,—1554. For robberies with violence, there were apprehended in 1860, 18; in 1861, 21; in 1862, 92; for burglaries in 1860, 54; in 1861, 52; in 1862, 77. The proportion of those apprehended in 1862 was greater than in 1861, 1555. The number of persons known to have been at the time on tickets of leave were, in 1860, for burglary and robbery with violence, none; in 1861, two; and in 1862, four; of those returned after penal servitude, in 1860 there were seven; in 1861, eight; in 1862, 13,—1556, 1557. Although there is no particular information as to ticket-of-leave or penal-servitude men, a great many of them are well known to the police, and a great number also unknown, as it is very difficult after upwards of three years penal servitude to recognize them; in 1860 there were 18 previously convicted, and sentenced to hard labour, but not to penal servitude; in 1861, 24; and in 1862, 66; then of those who were known to be thieves, or their associates, there were, in 1860, 18; in 1861, 10; and in 1862, 34, which is the largest increase of the previously convicted, but not sentenced to penal servitude; "known thieves" and their associates are persons known to have been previously convicted, or who live by crime, although not detected; of "characters unknown," there are 29 in 1860, 29 in 1861, and 52 in 1862; a large proportion of those apprehended were convicted, 1558–1563. The number of old offenders known to the police in 1862 was somewhat larger than that in the previous years, for three times they are fewer, and for four times there are six in each year; the general aggregate is one less, 1563–1569. The greater number of burglaries and highway robberies is committed by persons between the ages of 15 and 30; there was a considerable increase in these cases last year; there has been a great

Mayne, Sir Richard, K.C.B. (Analysis of his evidence)—*cont.*
increase in burglaries and highway robberies, 1569. Although the number of old offenders who had been previously known to have committed felony had not increased in 1862, it had increased in the most dangerous ages, that is between 15 and 30, or on an average of 25 to 30; but the number of those three times previously convicted, and those who had been more than three times convicted, diminished in 1862, and for simple larcenies there was a diminution that year, 1570–1573, 1798–1800. The number of reputed thieves and suspicious characters, male and female, for six months of 1860 was 2,632; of 1861, 1,653; of 1862, 2,730, which shows a diminution in 1861, and a large increase in 1862,—1574, 1575. Under the Metropolitan Police Act persons found at night, and suspected of being about to commit felony, whether reputed thieves or not, may be apprehended, in the daytime they must be reputed thieves or idle and disorderly persons or incorrigible rogues, who are dealt with under the Vagrant Act, 1576, 1577. A large increase of crime took place in the metropolis in 1862, 1578. The great increase of crime in London is attributable in a great measure to the accumulation of criminals in the metropolis who have no means of obtaining an honest livelihood, and who have been released after very short sentences, in some cases mischievously shortened by tickets of leave or letters of licence, 1579. Cannot state how it happened that the ticket-of-leave system did not produce a similar effect until the last six months of 1862, although the same causes had been in operation since 1857; every police officer, particularly detectives, was of opinion that there was a large number of men living by crime, and that of those who were released from prison, although many of them did not commit crime, yet they instigated others, 1580. Since transportation ceased there has been a large accumulation of old offenders, which must be increasing, many who are released not having the means, even if so disposed, of living honestly, 1581, 1582. It is very difficult to account for the states of insecurity which now and then occur, or an increase in a particular class of crime; the increase referred to was mainly owing to one or two remarkable cases, especially that of Mr. Pilkington, which directed the attention of this class of criminals to that kind of offence, from a spirit of imitation, and the success that attended it; it also became more generally known that the punishment endured was not a very severe one, and therefore the punishment had no deterring effect, 1583, 1584. Between 1853 and 1857 no tickets of leave were granted to convicts under short sentences, they served out the whole of their sentences; the change was effected in 1857, but it was not till 1860 that it came into operation, 1585, 1586. A large proportion of the short-sentenced men have been discharged on tickets of leave in the last three years since the Act of 1857, 1587. The ticket-of-leave men in London are almost all men who have received short sentences, which could not have come into operation for any sentence of more than four years in or after 1857, 1588. The discharge of penal-servitude convicts after short sentences with remissions is likely to have a very bad effect upon the criminal classes, the criminal population thinking that the remission is much greater than it is; with regard to cases of penal servitude for life, although the time has not arrived at which a prisoner is considered eligible for remission, it is supposed that it will be reduced to a few years—in fact there is a general impression that such a sentence does not exist, and it has been repeatedly stated that criminals may expect a remission of more than half their sentences; there is an evil, too, in the remissions, especially as there is a misconception as to the period remitted; a sentence pronounced in court does not produce the effect it would, from the belief that it is only partially true, 1589–1592, 1794, 1796. The proportion of sentences for three years has very much increased of late, which is calculated to do great mischief, 1593, 1594. A sentence of three years, with the probability of a considerable remission, is not likely to have a deterring effect, it neither affects those persons who have suffered it, nor those who might be deterred by a severer sentence, 1595, 1596. Gratuities diminish the deterring effect of a sentence, 1597. Since 1857 gratuities to penal-servitude men discharged in the metropolitan police district have been paid through the police, 1598. The course pursued in paying gratuities to convicts is this: the governor of the prison intimates to the commissioner of police that such a gratuity is to be paid to such an individual, an inquiry is then made by the police, and if the answer is satisfactory the gratuity is paid, 1599, 1600. The total number of convicts to whom gratuities have been paid since 1857 to the end of 1861 was 160, and the amount paid 597*l.*; payments were refused in several cases, as the inquiries turned out unsatisfactorily; inquiries are made in every case where gratuities are paid through the police; with one or two exceptions they have been all paid through the police, except where the men take their gratuities to the Prisoners' Aid Societies, 1601–1605. In 1862 a man released from Millbank received 15*l.* 17*s.* 9*d.*, in two payments; inquiries were made each time, and the

Mayne, Sir Richard, K.C.B. (Analysis of his evidence)—*cont.*
result of each inquiry was favourable, or the money would not have been paid ; in another case 7*l.* 10*s.* was paid ; in another 10*l.* ; these sums do not include the first payment, as until within the last month or two that was not paid through the police, but it is so paid now, 1606–1615. The sum paid in 1862 was 240*l.*, making with the previous five years, 837*l.* 19*s.* 6*d.*, 1616. 58 men were paid in 1862, and the sum received was 240*l.*, 1617. Cannot state the number released in 1858, but under an arrangement which had been tried for a week only, the number was 11; by an order issued in January last, all prisoners are sent to Millbank to be released, and are seen once a week by the police, 1618, 1619. The practicability of putting these men under police supervision has been considered by Sir G. Grey and witness, but was suspended on the appointment of this Commission, the only part that has been acted upon being the inspection of convicts at Millbank ; under this arrangement all convicts released are directed to report themselves at a police office; as only 26 came out of 56, Sir G. Grey directed that all those to be released in the metropolis should be sent to Millbank, so that there they should be seen and registered before their release, 1620, 1621. Has very carefully considered the question of police supervision in the metropolis, especially within the last four or five months, until which time no steps had been taken for the purpose, neither with respect to the old transportation or the penal-servitude convicts, 1622, 1623. While the punishment of transportation continued, many were pardoned after a little more than half their sentences had expired, but none of those were ever placed under police supervision in any way ; the police were ordered not to notice those released on ticket of leave, lest it might prevent their getting employment ; so that in enforcing the Public Houses Act with regard to harbouring known thieves and prostitutes, the police were directed, while they noticed old convicts, not to point out ticket-of-leave or licence holders, which practice is still continued, the effect being to give them opportunities for committing crime they would not otherwise have ; this was not an express order from the Home Office, but it was issued in March 1856 by the desire of the Secretary of State, 1624–1630, 1790–1792, 1819–1824. Arrangements for supervision by the police should be nearly similar to those acted upon by the Irish county police or constabulary ; the police in Dublin have nothing whatever to do with the convicts ; it is there carried on by the lecturer at the intermediate prisons, who also provides employment for them as far as practicable ; but in the country parts of Ireland these men are required to report themselves on arrival, and also at the beginning of each subsequent month, at the nearest police station to the place where they intend to live ; and at any time the police may inquire as to how a man is obtaining his living. The conditions of the ticket of leave are more stringent in Ireland than in this country. Witness does not know what the law in Ireland is as to immediately apprehending convicts if they are violating the conditions of the licence, but in England it is not legal, as power is given by the Act of Parliament to apprehend only after revocation of the licence ; to make the supervision effectual there ought to be a power to apprehend as is done in the case of a suspicious character, though this power, probably sufficient in the rural districts of Ireland, would not be so in London. There ought to be the further power of requiring them to explain, whenever required, how they obtain their living, and it should be made a charge of a criminal nature, into which a magistrate should make inquiry, and conviction should operate as a revocation of licence, 1631–1635, 1637, 1638, 1713–1715. With regard to the tribunal which should decide whether the conditions of the licence were infringed, it had been proposed that, in cases where the police reported that the conditions had not been observed, inquiry should be made before the Commissioner or one of the Assistant Commissioners of Police, and if they were satisfied that the police report was correct, they should so certify to the Secretary of State, and the licence be revoked ; but there were objections to that course, as it would be an exercise by the Commissioner of a sort of judicial authority which was not according to the present practice, and that it could not be so impartial a tribunal ; and, likewise, the man would probably disappear before there was any decision made by the Secretary of State ; it would be more satisfactorily carried out by a magistrate's decision, 1636–1638. The heads of the regulations under which police supervision should be carried out, subject to general rules approved by the Secretary of State, might be inserted in an Act of Parliament, in a similar way to that in which all Police Acts are now drawn, 1639, 1789. In the colonies one of the conditions is that the men shall not be out beyond a certain hour at night, and a regulation of that sort would be most important in London, the men being also required to abstain from frequenting public-houses, &c., after certain hours ; if conditions of this nature were imposed, it should be done by law ; the less the executive interferes the better ; under such regulations

Mayne, Sir Richard, K.C.B. (Analysis of his evidence)—*cont.*
the police could exercise very considerable control and check over these persons, if the rules were made known in the first instance, and the powers given to apprehend were properly defined; but such powers would be of very little use if the present short sentences are continued; it would require a great deal of observation by the police, and the benefit of any supervision during the six months which would be remitted in a sentence of three years, for instance, would not be material, 1640–1644. The punishment for breaking the regulations would consist of being returned to pass the remainder of the sentence at Portland, but a very short imprisonment at Portland would not have a very deterring effect; there would be much machinery put into motion for a little purpose; in most of the cases reported to the Secretary of State last year of men on ticket of leave the period of remission had expired before inquiry could be made, and revocation took place in very few cases, and most of the men were afterwards convicted, and suffered very severe sentences; the effect of a revocation in such cases would merely be to put off the evil day for a few months, and they would shortly come out without any supervision, 1645–1647. If a law were passed as to supervision, it should extend to persons whose sentences have expired; there might be a sentence of imprisonment and restricted liberty, subject to police supervision; supposing imprisonment and restricted liberty for 10 years to be intended, the sentence passed should be 10 years imprisonment, five years to be remissible on good conduct in prison, but to be spent under supervision, for during this period supervision would be really valuable; that is, a certain number of years should be absolutely passed in prison, whatever the conduct of the man might be, and then, if his conduct was good, he should be discharged under strict supervision for a certain number of years, and no power should be given to remit any portion of the time to be spent in prison, 1648–1651, 1817, 1818. All motive to good conduct in prison would not be entirely destroyed, because even at the end of five years the man would not be released unless his conduct had been good during that time, 1652. If this plan were adopted, the sentences would be such as were made known to the public, whereas now there is a vague feeling that great part of the punishment will be remitted, 1653. From 1782 to 1853 a sentence to seven years transportation never really meant coercion for more than four years, and until the short sentences under the Act of 1853 no inconvenience arose from that, 1654, 1655. The sentence of imprisonment and supervision should apply to prisoners who are to remain in this country, but those who are to be transported might be differently dealt with, 1655. Several years prior to 1840 the seven years' men were sent to the hulks, and discharged after four years if they behaved well, but the evil was not felt so much because so many were sent out of the country, 1656. The time to be passed in prison should be absolutely defined by the judge, and it should be made public from the mouth of the judge that there should be a certain period of imprisonment, and a certain portion of that qualified liberty, which would have a far better effect upon the public mind and upon the prisoners, and would have a very important effect in preventing crime, 1657, 1658, 1698, 1784–1786. Besides the uncertainty as to the portion of the sentence which will be remitted, there is also great uncertainty from the variety of sentences passed by different judges for the same offence; the administration of the law with regard to the widely varying degrees of punishment is a scandal; some judges pass sentences of 18 months for an offence where another judge would pass a sentence of five years or more of penal servitude, 1659. The law gives the judges an unwisely large discretion in passing sentence, which makes it a species of lottery—one mode for remedying which would be a more certain definition of such crimes as burglary and robbery, and affixing a specific minimum punishment for each class of offences; the discretion of the judges should be limited by law, as the widely varying sentences have a very bad effect at the present time; there are other cases, such as rape and manslaughter, and many others, which are very variously punished by different judges, and a very mischievous effect is produced, every man hoping for a favourable judge, and for the least punishment, 1660–1666. The treatment of convicts in prison under the present system might be made more severe with advantage; the whole system seems very inconsistent with the criminal condition of the parties, for instance, the permission to communicate by letter with their friends; witness has been requested within the last six months by the governor of Dartmoor prison to make inquiries as to the characters of the parties corresponding with the convicts, and in almost every case they were of the worst sort; it is very easy so to communicate as to give information without its being apparent; and as the privilege of correspondence very much diminishes the effect of the punishment, by keeping up the spirits of the convicts, and it being also important that these men should be kept entirely ignorant of what is going on elsewhere during their sentences, there should be no permission

Mayne, Sir Richard, K.C.B. (Analysis of his evidence)—*cont.*
to correspond at all; it might form part of the remission if the sentences were longer, 1667–1672, 1746–1750. The prisons appear to be very comfortable, Chatham prison especially, which is very light and agreeable; the convicts' dietary is put up in their cell, and each man is told that he is entitled to have his food weighed and measured, which is inconsistent with their state as felons; a great many of the men insist upon having their food weighed and measured, out of spite to the warders; employing the convicts in Portsmouth dockyard generally is very bad, on account of the communication and the comparison between them and the free labourers, which is very often to the disadvantage of the free man with respect to his food, clothing, and condition in every respect, except that of being at liberty; likewise their employment at Southsea Common, one of the most cheerful places in England, where they have been employed for upwards of a year, levelling and laying turf, making part of the common into a public walk, it is not the place upon which to employ convict felons; it is no punishment, 1672–1676. The police are now on duty in the dockyards, and have been so for two or three years, 1677. It is certain that communication is often carried on between the convicts and the free labourers in the dockyard, because things have been found in secluded places in order that the free labourers should take the things away, and get them out of the yard if they could, but the police now make such a search that that is not easily done; the warders are few; the men are working about, some in carpenters' shops by themselves, and it is impossible to prevent communication, 1678, 1679. In France the supervision by the police is attached to certain sentences of hard labour, to some sentences for life, and to some for a long number of years, and the police may assign places of residence to the convicts, 1681, 1682. Whether supervision is adopted or not a return to transportation would be a very great relief, both with a view to relieving the country from those who must here continue a criminal class, and also for the sake of the individuals, as they would be removed from vicious companions, might become reformed, and obtain honest employment elsewhere, which is impossible in this country; if convicts were to be largely employed in this country it would have a serious detrimental effect upon the classes with whom they associated; if it were possible to obtain employment for discharged convicts as easily as for honest men a return to transportation would be very undesirable, but in such a place as London there is great difficulty in obtaining employment even for honest people, and the employment of discharged convicts discourages the independent labourer, 1683–1685, 1695. Supervision in preventing crime would have the effect of making it known that the men had been convicted, and the natural consequence would be that they would not be trusted; the present system is quite incompatible with police supervision, for to be effectual police supervision must be general, and must be carried out upon the principle that the discharged convict is a person not to be trusted, and not to be left to himself; the Inspector-General of Constabulary in Ireland does not find it has any effect one way or the other, but there are many widely different circumstances in Ireland and in this country; supervision in the rural districts of England would be of a totally different nature to that which would be necessary in London, as it would be more easily carried out, and therefore more likely to be abused; in London it would be more difficult but it would be more important, 1686–1689, 1718–1720. The Prisoners' Aid Society is particularly anxious that the police should not appear in the matter at all; they believe it would prevent them from carrying out their benevolent objects, upon the principle that a man cannot be trusted and suspected at the same time, 1690–1693. If there was strict supervision by the police many of the men could not obtain employment; there are a great number now who cannot do so, and therefore a return to transportation is most important, 1694, 1695, 1775. Transportation should be resorted to as a mode of disposing of convicts after they have gone through the penal part of the sentence, that is, separation, more or less complete, hard labour in prison and on public works, which was the principle upon which Sir Joshua Jebb established the prisons at Portland, and if that had been carried out it would have been very valuable; it would be necessary to extend the period of imprisonment very much, 1696–1699. It would be useless to return to transportation unless means of carrying it out were provided, but it is desirable that transportation should be adopted, and if not, the term of imprisonment should be longer than at present; the judge should have power to sentence to transportation, if practicable, and if not, pronounce some sentence of the same sort; the Colonial Secretary and the Home Secretary might discover places for transportation, and these should be either the place of imprisonment, or the place of liberation and reformation; but if it were such a place as Gibraltar or Bermuda it would be of no value as transportation, 1700–1705. The mode in which the Criminal Justice

Mayne, Sir Richard, K.C.B. (Analysis of his evidence)—*cont.*
Act has been dealt with has had rather a bad effect, by increasing the uncertainty of the sentence, and from the sentences being very light, us the utmost sentence under that Act is six months' hard labour ; the cases where the power of summary conviction has been most abused are those of stealing from the person, but for such offences as robberies at the river side, where a seafaring prosecutor or witness is going away, it would not be desirable to make a change, 1706–1714. Marking convicts might be very simply done, and would be very effectual if done on first conviction, as there is now great difficulty in ascertaining whether a man has been previously convicted, and consequently many escape without that fact being known, 1715–1717. Whipping ought to be resorted to, for it is very effectual in some cases, and there are several offences to which it ought to be applied ; it would have a deterring effect on hardened offenders, who would feel it to be very degrading, and it would have a good effect in deterring others ; in fact, the present treatment of criminals is far too lenient, 1721–1729. The old sentence of transportation was felt to be a greatly dreaded punisnment, and if separation and hard labour were added, it would affect classes to whom transportation has no terror; it would be better than passing an extra term under police surveillance, for if supervision were enforced none of these people would be likely to get employment. and if they remain in this country they must have recourse to crime again, 1730–1734. Simple transportation would not be desirable, but if accompanied by separation and hard labour it would have a more deterring and alarming effect than any sentence of penal servitude, the judge sentencing for so long an imprisonment, so long hard labour, and so long transportation, if places for transportation could be found ; transportation to a colony where there were free settlers is the most desirable, although sending them to a merely penal settlement would have a deterring effect upon others ; such a colony as the Falkland Islands is more preferable for punishment than anything of the sort much nearer home, though in penal establishments at a distance from home there is great difficulty in getting proper officers, 1735–1745, 1776–1779.

The Exhibition of 1851 did not attract criminals to London ; there were more persons taken into custody in 1851 than in 1850, but this was in no way connected with the Exhibition ; cannot account for the diminution or increase of crimes ; the country in 1851 was in a state of political excitement, and there was a large number of political refugees in this country ; there was an opinion at that time that the discovery of the diggings in Australia led to the commission of offences with a view to being transported, but there was no reason to believe that ; there was a remarkable increase in 1857, which might be attributable to the Act of 1853 ; this was followed by a constant decrease down to 1860,—1751–1759. The repetition of short punishments is greatly increasing and is a very great evil; a repetition of small offences for which the punishments are now summary convictions should be made indictable ; these are frequently made known to the courts, but the sentence cannot exceed six months, 1763–1765. Stealing from the person is punishable with penal servitude, but the magistrates commonly deal summarily with such cases, and prosecutors frequently request them to do so ; criminals plead guilty before the magistrates in order to avoid the production of previous convictions, 1768–1772. Transportation would be a more alarming sentence if the penal period were passed in this country rather than abroad, and if the sentence were rigorously carried out the convicts would soon be disabused of any expectation they might then have of the transportation being remitted, 1780, 1781. The feeling caused by immediate severance from home and kindred upon the whole would not act as a deterrent, but in Ireland some years ago it had a remarkable effect ; there was a sort of horror felt before the great emigration time, when the guilty were sentenced instantaneously and sent away, which operated very beneficially ; the dread of immediate severance from home and kindred would not be diminished if it were felt that it was to be imprisonment here with very limited or no means of communication, to be followed by transportation, 1782, 1783. Under the present system, as now administered, the conditions endorsed upon the licences are a dead letter, they ought to be enforced, 1787, 1788. The periods of remission under the scale now in force do not seem unreasonable ; if there is to be remission they appear moderate, but as to life sentences, witness cannot see upon what principle they should be remitted, 1794. The period actually indicated in the scale, which is the minimum period after which a remission may be obtained in a life sentence, is 12 years ; the employment of convicts on public works in common with free labourers is highly objectionable ; they might be employed on such works as that at St. Mary's Island, where it is disagreeable work, the men being separated from all others and free labourers, 1801, 1802. The men at Chatham are separated to a very great degree, 1803. Judges should have a discre-

Mayne, Sir Richard, K.C.B. (Analysis of his evidence)—*cont.*

tion as to sentences for graver offences, for it would be difficult to define a limit in such cases as manslaughter, where punishment might justly vary from a day's imprisonment up to a sentence for life; cases of manslaughter are but few, and do not affect the criminal habits of the people much, 1804, 1805. The inquiries made by the police privately, as to the ticket-of-leave men who receive their gratuities, do not interfere with the employment of those men very much; but it is a great evil to allow a convict to conceal his condition, and he can hardly be really reformed while he practises a course of deception; it is incompatible with the least supervision, 1806–1808. In Ireland situations are generally procured for them before they receive tickets of leave, which makes all the difference, 1810–1812. The police in England could not undertake to provide employment for convicts, 1816. After the cases tried before Baron Bramwell, in which the sentences were more than usually severe, though even some of them were rather lenient, there was a considerable diminution in the number of robberies with violence; states the number of those offences in 1861, 1862, 1863,—1825–1838. In sentences for life the rule is that they shall not be considered with a view to remission until after 12 years, but the knowledge of a remission cannot have had any effect yet, as no cases have occurred; transportation would be a desirable mode of disposing of these men if they were sentenced to eight years' penal servitude in this country, and after that to be transported for life, and there would be no difficulty in passing such a sentence, 1839–1844.

Measor, Charles Pennell, Esq. (*Analysis of his evidence*):

Formerly deputy governor of Chatham prison, governor of the Stirling Castle hulk at Portsmouth for eight months, afterwards deputy governor of Chatham prison, and previously for three years deputy governor of Philipstown, 5402–5409. Philipstown was a prison for separate confinement partially, but more generally an invalid prison, and, to a certain extent, a juvenile prison, 5412. Was present at the disturbance which occurred at Chatham prison, volunteered his assistance to the governor and director, Captain Gambier, and subsequently received the special thanks of Sir Joshua Jebb for his "effective" services on the emergency, 5414, 5415. The irons and chains in which about 150 were kept on the night of the disturbance were the ordinary chain in which prisoners are moved from one prison to another; it goes through the handcuff; the chain is passed through the two handcuffs, and the handcuff holds the chain. The prisoners so restrained were looked upon as being seriously involved in the outbreak. It was thought necessary to take that precaution against their committing further riots in the night, 5416, 5419. The other prisoners supposed to have been engaged in the mutiny (about 850) were all placed on bread and water diet for four or five days, and kept in their cells, 5535–5542. They must have been confined in their separate cells if that had not been done, and the cells at Chatham are not calculated for the confinement of persons of that description, 5420–5422.

Witness still adheres to the opinions expressed in a pamphlet written by him in the shape of a letter to Sir George Lewis, the then Secretary of State, before he left Chatham, and published previously to the mutiny, 5423–5425. The first thing requiring amendment is, with regard to the class of persons who are appointed to be warders. The general class of officers who are sent into the service are rather wanting in education, and in that kind of qualification which is requisite for the guidance and control of convicts; they ought to be qualified to exercise a moral and intellectual control over the convicts. A large proportion of the present warders at Chatham have been military men, who do not possess those moral and intellectual qualities which are necessary, 5426–5430. Persons could be obtained to fill these situations possessing those high qualities mentioned for the present pay, which for an assistant warder is worth over 70*l.* a year. The salary is 52*l.* a year; the rations are worth 12*l.* or 14*l.*, and the chances are that he will be put in charge of convicts, and he will get so much extra remuneration for stimulating their labour, about 12*l.* or 14*l.* a year more, 5431, 5432. Men who were resolute and courageous, and possessing all the requisites which are at present considered necessary, might be found, conjoined with the necessary intellectual qualities, for the salary mentioned, 5436, 5437. The system of allowing to the warders gratuities proportioned to the report they make of the work done by their men is very objectionable. In giving the warders gratuities, as under the present system, and at the same time allowing the warders to assign gratuities to the convicts, irrespective of any certain test as to the value of their work, an opportunity is afforded for a sort of compromise between the officers and the prisoners; the affair too generally ends in an understood arrangement between the prisoners and the

Measor, Charles Pennell, Esq. (Analysis of his evidence)—*cont.*
warder, 5438, 5439. There is a supervision by the deputy governor, who goes round the works, which are also visited by the chief warder. He would just find the parties doing certain work at that time, but could form no estimate of how any particular warder had been doing his work throughout the day, 5440–5442. The chief warder could not visit the whole of the parties more than once a day on the works, 5444. The duties of the principal warders are to exercise a jurisdiction over certain parts of the works. Three or four principal warders would be sent out with the whole of the prisoners to the works. They occupy certain districts allotted to them, and are the immediate checks upon the warders who have charge of the parties, 5445–5447. It is supposed that the deputy governor visits the parties, but it is out of the question that he could visit every party more than once ordinarily; the chief warder is supposed to visit them a little more frequently; the convicts at Chatham prison (1,100 in number) would be very likely divided into about 30 parties, 5448–5452. It is a general supervision; the deputy governor's visits are at uncertain times, and therefore they do not know when to expect him; the chief warder also visits at a different time of the day, so that each party is visited twice a day, once by the chief warder and once by the deputy governor, unexpectedly; the governor also visits them occasionally himself, 5453–5456.

Dockyard work, as at Portsmouth and Chatham, is highly objectionable for convicts; it is not known what work they may be put to; a whole party may be down in the hold of a ship, and in any sort of out-of-the-way places; one cannot ascertain what work they are doing, nor exercise any really effective supervision over them, 5458–5461. Seeing that convicts are thinking beings, and that a great number of them are men of perhaps as acute mental sensibility and of as good reasoning faculties as are to be found, they should have their minds directed to what is profitable as an important element in their training; more school instruction could be given to them, and given at a great saving of labour, 5462–5464. The whole of the convicts have half a day's schooling, and inasmuch as the convicts are taken off from one eleventh of their labour in order to secure the education which they get, by employing that time in labour there might be saved at once about 10,000*l.*, which might in part be made use of for the promotion of further instruction; and as the convicts really have such a great number of hours devoted to sleep, and idling in their cells after the time they have to be locked up in the evening, a considerable part of that time might most advantageously be used for their instruction; the schooling should be at night after the day's work was over, 5465–5468. There would be no practical difficulty in working it out in consequence of having to move the men from one part of the prison to another after nightfall; it could be done very easily in a well-lighted prison, 5617–5619. Witness referred the whole of the details of the plan in a letter to the directors, which letter is read, 5470, 5471.

At present at Chatham there are four schoolmasters, a number quite sufficient to keep up the existing amount of instruction; the schoolmasters are not well qualified for lecturers, and should be selected from rather a higher class; a few pounds in a year would be well spent in promoting the improvement of the class of convict schoolmasters, 5480–5484. There are many convicts who can neither read nor write, and the greater portion of them are almost entirely ignorant of history or natural philosophy, but history or natural philosophy are not exactly essential subjects for convicts; there are a great many other subjects that might be entered into; they might be taught plain common sense from the practical experience of the world, illustrated in every way; subjects as regards the works of God in creation, the uses of common objects, the examples of industrious and self-made men, the growth and resources of our colonies, and many others which would be profitable; religion should be eliminated from ordinary school instruction in convict prisons, progress in solid and useful secular acquirements rewarded, and the chaplains to have their own separate arrangements for religious teaching, 5485–5489. The chaplain should not have a monopoly of the ground of morality; whatever is not evil or out of place tends to promote morality; the great test of a suitable education for convicts should be its utility in life, not simply a trade, for that would only occupy their thoughts during the hours of labour; that it is their interest to conduct themselves properly in the world should be the aim of much of the instruction, 5490–5495, 5763–5769. There are four schoolmasters at Chatham, the principal gets about 140*l.* a year, the others about 100*l.*, with allowances, 5793–5795. The time taken up by the evening service in the chapel is not very much to be grudged, unless there was a very different application of the rest of the hours; it is a pleasing thing to see religion made a subject in their teaching.

Witness's objection to the long continuance of separate confinement rests upon two grounds, 1st, its tendency to decrease the physical energies of a man, and, 2nd,

Measor, Charles Pennell, Esq. (Analysis of his evidence)—*cont.*

that it cannot be turned to any profitable account as to labour; the value of the labour at the separate prisons is only about a sixth of its estimated value at the public works prisons; and the reduction of the system of a criminal would be as easily attained, and in a more natural way, by lengthened enforced labour; separate confinement might very well be reduced to three months, or something like that, and the only real object attained by separate confinement is to get a man into prison routine; it has rather an injurious moral effect if carried out too far, 5499. When the convicts come down to the public works prisons they are in a very flabby condition of mind, and a very flabby condition physically, and separate confinement produces both effects; they appear as if they had been undergoing something which had so utterly depressed their system that one could hardly think of treating them as reasonable beings capable of being strongly remonstrated with, 5500, 5501. To send them back to separate confinement would be a very severe punishment, 5711. Very considerable improvement, and very frequently there is a most rapid change, takes place in those men when they are put on the public works in the open air, 5502.

The diet should always be in proportion to the work actually done; at present the diet is a uniform one, except for a person who is placed under punishment; it might be so apportioned to the gangs, if not to individuals, and though it could hardly be done daily, it might weekly, 5503–5510. The present uniform diet is certainly excessive as to a great number of the prisoners, in proportion to the work they do; the entire dietary scale is pitched too high, and it could be considerably reduced; the scale of diet in convict prisons is vastly beyond that in any gaol or workhouse, and in the most ridiculous disproportion, 5511–5515.

Witness had been deputy governor of Chatham prison for two years and three or four months when the outbreak occurred; the discipline of the prison before the outbreak occurred was not in a very satisfactory state; there were signs of the outbreak long before it occurred, 5517–5520. There is not the slightest doubt that the inefficiency of some of the staff contributed to the outbreak, so that it could hardly be attributed to a stricter discipline being enforced in the prison, 5253–5526. The disturbance began at about half-past one or two in the day in the prison, and from that time until between five and six o'clock, order was not at all restored; the prison was in the hands of the convicts for three hours—the main body of the prison; they destroyed nearly everything they could possibly destroy; they destroyed the stoves, the clocks, and every pane of glass, the chief warder's office, and every record in it; they only left off because their destroying power could not go any further as regards the body of the prison; there was only their cell furniture left, and some of them had set fire to their bedding when the prison was retaken; the military, in number about 800, were called in to quell the outbreak, 5527–5531. It was to be attributed to some extent to a want of proper control on the part of the superior officers of the prison, and also very greatly to the fact of the system which has been pursued with respect to these very large prisons; the return of re-convicted men to the prison they had passed their previous sentences in, and the mixing up of men in all stages of their sentences and of every shade of depravity contributed to it; prisons of such a size are always liable to disturbances of that sort; after you get beyond a certain number of prisoners the force of individual evil is exercised over a greater number of men, and becomes much greater; the system also directly leads to indiscriminate and wholesale punishment, as was proved on this occasion, which is a course subversive of every chance of reformation, 5531–5533.

Witness is confident that the warders are afraid of reporting against the men who are placed under their charge, from having inquired into various cases with regard to the attitude assumed on the one part by the convicts, and on the other by the warders; there are cases in which there is a terrorism which the warders feel as regards the convicts, leading them to report, very frequently, well of the convicts, when they ought not to do so, 5543–5548. The bulk of the officers are influenced by these feelings; but there are some who would not be moved by anything but a high sense of duty; it is the officers who conscientiously carry out their instructions who generally get assaulted; there is, nevertheless, no demonstration of this fear, it is only a matter of opinion, 5743–5748, 5756–5762, 5800–5807.

There is no sufficient test for the value of convict labour; if the work was paid for by some other department of the Government, and the officers of that department had the valuation of the work, it would then become a question of fair value between one department and another, 5549–5551.

There is a very great objection to the present mode of transporting convicts; convict ships are a source of pollution to convicts in every possible way; no good

Measor, Charles Pennell, Esq. (Analysis of his evidence)—*cont.*
can be hoped for till the whole system of transportation is altered with regard to their being thrown together in such close association; ships are nothing but schools of unnatural crime, and it can hardly be wondered at; there is no reason why a ship should not be fitted up with perfectly separate cells, covered with iron wire; so large a number could not be sent out, but the question of expense is a very inferior one to the question of morality, and by the use of such cells these crimes could be prevented, 5553–5556. The class who go to Bermuda and Gibraltar are not a worse class of convicts than those who go to Australia; there has been of late years a tendency to send out some of the very worst of them to Australia. Their stay in Bermuda and Gibraltar did not improve them, some of the convicts sent home are utterly unfit for liberation, 5560–5561. In the last ship, the "Lord Palmerston," which sailed from Chatham for Western Australia, as bad a set of men as was ever known were sent out; they were men who had been convicted of very serious offences, all of them, and they were very bad convicts irrespective of their crimes—the very worst of convicts; in fact an order was given to select the men who were the most unfit for liberation in this country, and those convicts have been complained of in Australia since, 5562–5568, 5808–5812.

Witness is still in favour of branding convicts who are re-committed, it would be for the safety of society, for men have been released whose discharge has been a great public risk, yet such a prisoner would very likely, during the last few months of his detention, endeavour to assume a new face altogether, knowing that his only chance of obtaining his liberation was to appear a little more amenable to the rules and regulations of the prison, 5569–5571.

According to the regulations laid down in reference to the liberation of convicts who were convicted under the Act of 1857, the rule is, that when a prisoner has forfeited so much of his time, two-thirds of it can be remitted afterwards by the director of convict prisons; it should be an entire loss to him; when a convict misconducts himself, and forfeits some of his remission, he ought really to forfeit the whole of it, 5572–5574. Under the present rule a man who conducts himself throughout his sentence well is not in a much better situation than a man who first misconducts himself and subsequently conducts himself well, 5575, 5576.

With regard to the character of the warders, witness objects to the class of men who are, as a rule, appointed to those situations; he has known instances of those warders being in communication with discharged prisoners, and acting dishonestly, 5577–5581.

There should be a system of supervision, but possibly police supervision might be dispensed with as a universal rule; the terms of the licence, if that is to be the rule, can only be carried out under some system of supervision; but convicts should not in every case be placed under the supervision of the police; the line of distinction can only be drawn by a very careful analysis of the character and antecedents of a convict with reference to his prison conduct, and a thorough consideration of the entire circumstances of the case; there are many criminals over whom it is perfectly unnecessary to exercise any very great supervision; but there are others as to whom it would be necessary that the police should almost walk with them from the prison door; police supervision would not interfere with the convict's means of obtaining employment, 5583–5585.

Practically speaking, the term of separate confinement at Millbank is limited to three months, for after that time the cell doors are left open, so that one man can converse with the man opposite; there is an iron grating which is closed, but the doors are open, 5586–5588, 5749–5782. Such an arrangement might be in consequence of the supposed unhealthiness of the prison, 5798, 5799.

The schoolmasters, at the present time, have certain books of instruction, but they scarcely do more than hear the convicts read; there is no effort made to draw out their minds, or to interest them; indeed it is looked upon as a half-holiday; religion forms a prominent subject of instruction and reading; the prisoners do not derive any great benefit from the schooling; a large number of the prisoners leave the prison unable to read or write; on the prisoners going out of prison to whom licences were to be given, very few were found who were able to read the conditions, notwithstanding the schooling they had received, 5589–5592.

It is within witness's knowledge that instructions had been sent down to select for the "Lord Palmerston" men who were the least fit to be discharged in this country; the words actually used were, "That those prisoners," after describing other classes, "are to be selected who are the least fitted for discharge in this country;" he assisted the governor in the selection of them, and took the men whose absence from this country they thought would be a benefit to it; in the case of the "Lord Palmerston," the report of the chaplain from Western Australia

Measor, Charles Pennell, Esq. (Analysis of his evidence)—*cont.*

stated that they were the worst set of men who ever went there, except those who wentby the "Nile;" many of the men volunteered; all prisoners will do anything for a change of that sort; they like excitement, and the voyage is a great excitement to them; they all wish to go when a ship is going out, and convicts will always volunteer to be transported, even although they are approaching the time when they would obtain a ticket of leave; there are some few exceptions—such as men who have their wives and families here, 5593-5605. Having his prison experience in view, witness would certainly not send out any man who had not undergone the very best system that could be devised in England for his improvement, and who had not shown under that the most satisfactory individual results; he would not transport men in order to get rid of them, but to amend them, which object would be best attained by sending out men who had gone through a satisfactory probation, 5606–5608. Little improvement with respect to the arrangement on board a convict ship has taken place of late years, 5609.

The present scale of diet in convict prisons is excessive in the total amount as well as in the proportion of solid meat, and particularly so in the later stages of imprisonment, 5610-5612.

The difficulties experienced generally in convict management would be greatly lessened by keeping the convicts in smaller bodies; between 300 and 400 convicts are the largest number that can be kept together with any view of doing them them any good; keeping them in smaller bodies would not very much increase the expense of their treatment, and the officers would have a far better opportunity of making themselves acquainted with the men than they have now; under the present system no governor of a prison can know anything of many of the convicts who have passed through his prison; a convict comes to a prison and is seen by the chaplain, and he may be seen by the governor, but he may go out of the prison without ever having seen the governor to speak to, or without ever having had any personal communication with him; this view appears to strike at the root of all successful convict punishment as far as the fact goes in reference to the reformatory purposes of punishment; but it is a contingency inseparable from having such large prisons, 5620–5625. On board the "Stirling Castle" hulk the convicts were not separated at night in any way, they slept in hammocks, which was the old hulk system; there was an officer walking up and down the decks all night; there were no complaints made of the conduct of the men at that time, 5626–5629. One establishment, like Chatham, might be sub-divided in such a practical manner as to make it nearly as useful an establishment through sub-division, and though there might be this advantage in having three or four prisons together, that in case of any outbreak in one of them, the whole force of the establishment, or nearly so, could be concentrated in order to suppress it, on the other hand there might be a corresponding disadvantage which would increase the difficulty, that is, one prison might infect the other, and that one could scarcely reckon on having the aid and operation of all the officers in one part without having the danger of contamination to some extent; if the prison was so regulated that, being divided into classes, the classes could not communicate with each other, it might be desirable to have them within a reasonable distance; such a division could be rendered subsidiary to the purpose of regulating the diet according to the conduct and industry of the men, 5631–5634. In the Irish prisons there is a class of idlers who are kept by themselves, and are fed upon a light diet because they do light work; in the same manner, if the prisoners were divided into classes, their diet might be apportioned to a certain degree according to their conduct; the prison at Chatham is one of the most difficult prisons to alter in that way, but it could be altered, 5635, 5636.

For the purpose of giving school instruction in the evenings, instead of interfering with the labour of the men for that purpose, it would be necessary to have additional class rooms, and they must be built in such situations that the men could be brought to them without any risk of escaping, and they must be so arranged that the men should never be in the dark when going to them; there is no difficulty in it; three rooms would be quite sufficient for 1,100 prisoners, if they were instructed, as proposed, on alternate days in the week, 5637–5642. A single schoolmaster might well keep a much larger number than at present fully occupied, and considering the few hours he would be occupied his own exertions should be stimulated; considering also the very great variety in the knowledge of the convicts, it would be rather desirable to have them in small classes, in order that the instruction might be properly adapted to their different capacities, 5643, 5644.

There ought to be separate cells for the convicts in a public works prison; there are very few strong separate cells in proportion to the large number, and the

Measor, Charles Pennell, Esq. (Analysis of his evidence)—*cont.*
construction of a prison is a very important part of it; the thing to be desired more than anything else is an arrangement which would render a prison convertible at times from the stricter system of separation into a more gradually associated one; Captain Whitty, the present director of the Irish convict service, arranged some very admirable cells at Philipstown; these were just a framework of wood, with a mere iron wire over them, so that the prisoners were perfectly separated, and at the same time it was removable; what is desired is some mode of dealing with convicts who misbehave themselves, without sending them back to Pentonville or to Millbank,—a large increase in the number of proper separate cells, in which the prisoners might be treated upon the separate system for some time, because the men will be inclined to misconduct themselves for the very purpose of being removed up to London; convicts attach great value to anything that breaks the tedium of a uniform mode of life, anything that would give them, upon any pretence, a journey, 5646–5650. When a prisoner commits an act of violence under the present system he can only be adequately punished by being sent for trial to the assizes, and they look to that removal from prison as rather an advantage, and the dread of the consequences of violent conduct is thereby diminished; it would be desirable, therefore, in cases of violence against warders, that there should be some more prompt means of inflicting punishment upon them, 5651, 5652. Some men are to be found in most prisons who are so violent that they commit assaults upon the warders, and whose discharge from prison may be attended with very serious danger to the country, for those men the proper punishment would be a prolongation of their original sentence, 5653, 5654. It is desirable in those aggravated cases that that prolongation should be inflicted without going through all the forms which are necessary when they are committed for trial to the assizes, it would have a most salutary effect, and a prisoner would feel, when he placed himself in the position of a criminal, that he was out of the pale of society altogether, and had not the advantage of those tribunals which the law allows to other persons; under a system which tolerates no inhumanity or severity, a criminal committing himself should not possess, or expect, the same guarantees for his liberty that a well-behaved man has, 5655, 5656. This power of punishing a man in the prison should be extended to every offence short of murder, for which he should be tried in the ordinary courts of law, 5753–5755. The governor or director should not be entrusted with the power of adjudicating in such cases; it should be a perfectly impartial tribunal, though within the walls of the prison; two magistrates would be suitable, 5785–5788.

It would be very desirable that schools should be more under the authority of the governor; that the schoolmasters should report directly to the governor, and be placed more directly under his superintendence; it is not the practice now for the chaplains to visit the prisoners in their cells at the public works prisons; it is never done except in the close cells when the convicts are under punishment; there would not be any possible use in the chaplain visiting the prisoners in their cells in the public works prison, for this reason, that the cell in one of these prisons is just the same as an associated room, and if the office of the chaplain is to be of any use it requires a private interview; the present practice is that when a convict wants to see the chaplain he intimates his wish, and sees the chaplain in his office; the facilities for the chaplain's visiting the convicts cannot be too much increased, and for in every way promoting intercourse between them, 5657–5663.

The present mode of recording the conduct of the convicts and their industry is not very satisfactory; what is wanted is to improve it by having a more real test of what the convict does; as to rewarding men upon classification for simple abstinence from violence, a great many of the evils in convict prisons arise from that; the men should not for one instant be allowed to suppose that they have anything given to them for the purpose of keeping them quiet; they should be punished for misconduct, but not rewarded for abstaining from it, 5664. With regard to the system of V.G. and G., there is no actual deprivation of remission in consequence of the absence of a certain number of good marks; a loss of gratuity occurs, but not as a necessary consequence a loss of remission; the only loss to a prisoner would be from his misconduct, when he was put into the cells, or upon bread and water, then the governor would take away from him so many days of his remission; but in extreme cases of idleness at work, which are rarely reported (and would consist not in the scarcity of V.G.'s, but in the giving of less than G.'s in the continuance of O.'s (ordinary) for some time,) an offence would exist which would be dealt with as a cumulative one, and subject the delinquent to close confinement and bread and water, and consequently to the loss of remission; the only other way in which a convict has been deprived of any part of his sentence is when he is brought before the governor and is sentenced for any offence to so many

Measor, Charles Pennell, Esq. (Analysis of his evidence)—*cont.*

days bread and water if he is put into the cells, and in that way the governor must add to that a deprivation of so many days from his remission ; the present system is that a man is considered entitled to a certain remission unless he forfeits it by misconduct, and that misconduct must obtrude itself very forcibly as regards labour, 5666–5670.

It would be an improvement if the work actually done by convicts was charged by one department to another ; difficulties have arisen at Chatham as regards the officers of the Admiralty in the dockyard and on St. Mary's Island ; and in order to obviate those difficulties it is desirable that the convict department should be put in the situation of a contractor, and the work to be done should be specified by the department for which it was to be done, and then the convict officers should use their own discretion as to the mode of executing the work, 5671–5675.

Large ships, such as line of battle ships, should be fitted up as convict ships, with a trained staff of officers for managing the convicts on the voyage ; in that manner the voyage might be made a source of much less demoralization than it is now, and a good deal of employment might be given to the men on the voyage, which is not given now, so that their labour might not be entirely lost ; unquestionably there would be an increase of expense in such a scheme, but that would be insignificant in proportion to what would be received for it, 5677–5681.

As to the services in the chapel, it is much more desirable that they should be praising God and praying than be doing nothing, but if their time was thoroughly occupied it might then become a question whether it would be desirable to have two services in the chapel ; one service in a day might do, especially if it was lengthened a little ; the effect often of using holy means upon men of that sort may be only to make their minds irreverent, and there is perhaps that sort of tendency at the present moment in the too great multiplication of set services, 5682, 5683.

Capt. Powell, who came to Chatham about a twelvemonth before the outbreak, complained of the hulk officers, and reports were made with reference to their removal, but they were not removed until after the mutiny ; they were not much worse officers than the ordinary warders ; they were old officers, and had got up to their position as principal warders by length of service, and their defects and want of qualification showed themselves then more remarkably; warders ought to be men of more education than they are at present, and strong and powerful men ; and should be appointed at from 27 to 40 years of age, 5684–5694. Beginning with a salary of about 70*l.* a year, something would be necessary to keep them in the service, and there might be many ways of providing for that ; there is not anything so necessary to the improvement of the present system as the training a proper and suitable class of prison officers ; all such officers should have a chance of getting appointed to small gaols, or to posts of that kind, and if opportunities were offered of that sort as a reward to them there would be no failure in getting a proper class of men, 5695–5696. Instances have been known of warders being in communication with discharged prisoners, in the way of letter writing, and showing more than a proper interest in discharged prisoners ; in fact, it amounted almost to aiding them in the commission of subsequent crime, and that while they continued to be warders ; those cases were thoroughly investigated, and one or two of the men were dismissed under those circumstances, 5697–5702. Warders are very frequently discharged in proportion to their numbers ; in four years 54 had been dismissed at Chatham ; the nature of their offences is generally neglect of duty of various descriptions, tampering with their duties as regards the prisoners by writing to their friends, or getting in letters for them, and an absence of sufficient watchfulness when on duty, going to sleep on duty, drunkenness, want of truthfulness, and insubordination and insolence to their superiors, for all which offences a large number of them have been removed from the service, 5708–5708, 5782–5784.

When the prisoners came from separate confinement they were in a very flabby condition, both of mind and body, and it would be a very great punishment to send them back to a separate prison, 5709–5711. If the plan of evening schooling proposed were adopted, the hours for going to bed should be altered ; the men go to bed now at 8 o'clock in the summer, which is much too early, the same in the winter, when they leave work at 4 ; if they went to bed at 9 in the winter, and half-past 9 in the summer, there would be ample time for two relays of classes in one room, and then every convict might have schooling three days in the week instead of one, 5712–5725.

Increased power to inflict corporal punishment is very desirable, and the judgment of prison offences should be more summary ; that power should be placed in the hands of the governor of a gaol ; there is a very unprofitable interval at present between the commission of a serious prison offence and the corporal punish-

Measor, Charles Pennell, Esq. (Analysis of his evidence)—*cont.*
ment appropriate to it; the prisoner is kept in separate confinement, not on punishment diet, until the director's visit; this may be a period of weeks, and is a waste both of food and labour; were a governor empowered to give corporal punishment on his own authority the man would be flogged at once, and in a day or two sent back to his work, 5728, 5729. With regard to transportation, it would be very undesirable to send anyone to any colonial gaol who had not undergone a good reformatory system of treatment in this country; it is impossible to get the same force for all purposes of reformation in a colony as could be had in this country, either as regards officers, or in any other way, 5731, 5732.

Transportation is, in fact, a great boon to nearly all classes of prisoners—to send them to a colony; they look upon it as a boon, whether it is or not; nevertheless, in consequence of orders received from the authorities, the worst men have been frequently selected, that is, the men who were the least fit to be liberated in this country; judging from experience of the men who have come back from Bermuda and Gibraltar, however, and of the men otherwise sent to Western Australia, the general plan was to send away men who were the most disagreeable in the convict prisons, 5733–5742. Having expressed a strong belief that the bulk of the warders are influenced by fear in making their reports, it should be observed there are some of them who would not be influenced by anything but a high sense of duty; it is the officers who insist on the prisoners working hard, and conscientiously carry out their instructions, who generally get assaulted; the absence of any standard of work is greatly in favour of idle convicts, and renders it most difficult for upright officers to do their duty; it is at the same time an encouragement to the indifferent officer, 5743–5748.

The flabby condition of mind and body in which the prisoners come from separate confinement may continue for a few weeks or months, but this description of their condition scarcely applies to convicts now; there was a time when the separate system was carried out entirely for 18 months, and the convicts spoken of had perhaps undergone a reduced period of from nine to 12 months, 5770–5772.

The symptoms and warning of the outbreak which took place at Chatham for some months before it actually occurred consisted in a disposition on the part of many of the prisoners to influence the others and to draw them into combined acts of disorder; there was one convict who came down from London under a long sentence who had been liberated within a year from that identical prison, and who stirred up a good deal of bad feeling among the other convicts; he was a man of great power of mind, and of great influence over his fellow convicts, and he set to work and disturbed a great number of them; there was a good deal of disorder and restlessness, and indications that a large number of the men were affected in a manner that might lead to something serious; these things created an impression that the prison might be soon disturbed; the attention of the authorities was called officially some week or two at least before to the increasing symptoms of combined disorder; it was plainly apparent latterly that something was impending; there were disorderly noises going on in the prison every night after the convicts were locked up, hammering at their cell doors and at the partitions, and calling from different parts of the prison, besides which the chapel services were frequently interrupted, 5776–5781.

The men under long sentences are those who have been guilty, either of the most heinous offences, or who have been previously convicted. It would be impossible to select men with short sentences for transportation; no prisoners should be transported except those whose prison conduct has been exemplary, every one of the rest should be kept at home; we should send out the best class, and keep the worst here in permanent confinement as far as possible, only letting an incorrigible offender out with a plan and intention of recapturing him, and giving him an effectual sentence, meaning, by the worst class, those who behave the worst in prison, 5813–5818. The behaviour of a man in prison is a considerable test to his reformation, but it is not the sole test, and under an efficient prison system a man's character can be tested, and even the sincerity of a man's good behaviour; that is, under such a system, which is practicable, a selection of men for transportation might be made on the opinion formed of the individual character, and not with reference to the crimes they had committed, or the length of their sentences. The crimes are not a correct standard of character, neither do they afford any test as to the desirability of transportation, and much less so are the sentences a proof of the shade of their depravity, 5819–5832. The deterring punishment would be keeping them at home under a most deterring system of discipline; probation in a colony is not necessary, 5833–5835. With reference to the convict ships, though they have been a little larger, and warders have been

Measor, Charles Pennell, Esq. (Analysis of his evidence)—*cont.*
sent out with two or three of the last ships, much improvement will not be effected until there is a separation of the convicts as they are separated in prisons, at least at night, 5836-5840. There is the strongest evidence to believe that it is impossible to place convicts under the circumstances of close association as on board convict ships without these unnatural crimes being committed or attempted; and with regard to the reports that had been made by a surgeon superintendent and chaplain in charge of the convicts, and said to be grossly exaggerated, no captain superintendent or chaplain can be in a position to disprove the general charge; they could not possibly know anything about it, no one could know except the convicts themselves; and it is impossible to put convicts into such circumstances of close contact without the most depraved taking full advantage of it. Through other means the officers of service may occasionally have made certain inquiries; of course it is a very delicate subject to go into, and upon such a subject you can only just obtain information to satisfy your own mind, 5841–5852. At the Irish intermediate prison at Lusk the convicts sleep quite close to each other in rows, without any partitions between them, but there is some sort of supervision over them, and those convicts are only men who have been tried and tested; they are not a mass of men who have received all sorts of sentences, and of the very worst description of character, who are so put together, 5853–5855. At the time the "Lord Palmerston" sailed all the men in our prison who were eligible for transportation on account of the length of their sentences were sent out in the ship, 5886.

Medical Superintendent, examination by, of convicts previous to transportation, *Gambier*, 4011.

Metropolitan Police District, increased to its present size in 1840, *Mayne*, 1501.

Millbank: Millbank Prison:
Treatment of prisoners at, during separate confinement, is the same as at other prisons, *Jebb*, 279. Ample accommodation at, for all sentenced to penal servitude, *ib.*, 845. Proposed accommodation in, for prisoners sentenced to penal servitude in the first stage of probation, *O'Brien*, 1997–2000. Period of separate confinement in, theory and practice of, *ib.*, 2007–2010. Blue-dress prisoners at, *ib.*, 2011–2013. Cell doors at, left unbolted, *ib.*, 2014. Ventilation, health of prisoners, and supply of water at, *ib.*, 2019–2029. Diet at, in separate confinement, *ib.*, 2030–2034; opinion of Dr. Guy that it is too much, *ib.*, 2035, 2036. Penal-class diet at; too generous in Dr. Guy's opinion, *ib.*, 2039–2042. Diet of the blue-dress prisoners at, *ib.*, 2043, 2044. Nature and result of employment at; number of workmen, *ib.*, 2046–2048, 2056, 2058. Attendance in chapel in, *ib.*, 2052–2055. Gratuities allowed in, *ib.*, 2059–2063. Manner, term, and degrees of punishment at, *ib.*, 2065-2082. Penal class, treatment of, at, *ib.*, 2084–2099. Female prisoners at, number, treatment, diet, and gratuities of, *ib.*, 2103–2119. Difficulty of recognition of female prisoners, *ib.*, 2020, 2021. Hours of attendance of female warders at, *ib.*, 2223–2230. Gratuities given to warders at, *ib.*, 2282–2287.
Dr. Guy's report and conclusions as to the diet at, *Guy*, 2957–2964. Sameness of diet at, *ib.*, 2972–2974. Alterations in diet recommended, *ib.*, 2974, 2975. Improvement in health of prisoners under ordinary diet at, *ib.*, 2976. Detail of diet at, *ib.*, 2984. Sufficiency of present diet at, tested by the weight of prisoners, *ib.*, 3006. Changes of weight of the prisoners on whom the experiment was made, *ib.*, 3037. Discarding the potatoes from the dietary of, in 1822, caused the scurvy and dysentery which then raged there, *ib.*, 3082–3084. Statement of the effects of separate confinement in, on the minds of prisoners, *ib.*, 3090. Prisoners in, show little signs of depression, with few exceptions, *ib.*, 3103–3106. Refractory women in, isolated cells recommended for, *ib.*, 3107, 3108. Flogging takes place in, about six or seven times a year, *ib.*, 3110. Female warders in, overworked, and not sufficiently considered, *ib.*, 3122–3126. Should be devoted entirely to men, *ib.*, 3127. Number in the penal class in, *ib.*, 3129. Time of detention in, practically, *ib.*, 3131, 3132. Prisoners might be subject to the dietary in, for a year without detriment, *ib.*, 3133. Prisoners in, simulating insanity, *ib.*, 3135–3142. Convicts of unsound mind drafted from, to Dartmoor and Woking, *Gambier*, 3984–3989.

Mines and Minerals, in Western Australia, *Sanford*, 2761–2770. *Henderson*, 6201–6215.

Minimum Time that must be served in Mountjoy prison, *Crofton*, 3299, 3300.

Moran, Rev. John Henry (*Analysis of his evidence*):
Has been in the convict service 16 years, commencing at the hulks at Woolwich as chaplain from March 1847 until November 1848, being then transferred to Portland as chaplain upon its establishment, and remained there five years; then,

Moran, Rev. John Henry (Analysis of his evidence)—*cont.*
in 1853, transferred to Brixton, when the public works system was commenced there, as far as it was applicable to females, 4735–4744, 4754. During the time witness was at Portland the conduct of the prisoners and the discipline were in every way satisfactory; the discipline was most remarkable and pleasing; the number of prisoners was between 900 and 1,000, 4745, 4746. The diet at that time was not excessive; the state of the climate there is very exhausting, for delicate constitutions excessively trying; when Captain Whitty was governor, and upon his representation, the diet was increased, 4747, 4748. At Portland, besides the ordinary services in the chapel, gave catechetical instruction and read the Scriptures on Sunday evenings, and at times in the school gave extra instruction, by which a large number of the men appeared to be improved, and, from communications with men in the colonies and in different parts of the country, no doubt many have turned out very well, 4750–4752. Has had experience both of the system of 1853 and of 1857, but not in Portland prison, 4753–4755.

Describes his duties at Brixton prison; sees every prisoner once a week, 4756, 4757. The number of prisoners in Brixton is about 600, 4757. The prisoners at Brixton are kept in association; there is a part of the prison where the cells are larger, and there the women are more in separation than in the wings; they are exercised in the yards, the time for exercise being extended when they get nearer liberation, 4758, 4759. There is no classification at Brixton as regards the nature of the crime, it is more as to individual conduct, the prisoners wearing a brown dress in the second and a green dress in the first class; the second class have tea three times a week, and gruel on the other evenings; those in the first class have tea every evening; in the second class they can gain a gratuity of from sixpence to eightpence a week, and in the first class from eightpence to a shilling, 4760–4762. There is nothing which can have such an effect upon a prisoner as a remission, however small; they show very great anxiety to be liberated, 4763, 4764. Females are less able to control their feelings than male prisoners, and they are subject to much more violent impulses in every way, which render them less disposed to be patient in times of difficulty; when witness left Portland there were 300 men, some of whom had expected to have been sent to the colonies and were disappointed, but they conducted themselves nevertheless in the most satisfactory manner during the whole of their time there; they were discharged with tickets of leave in this country, as a necessary consequence, in order to keep some faith with them, as they could not be sent abroad, 4765, 4766. There is always more difficulty in procuring full employment for females than for males, both in and out of the prison; in Brixton about 100 women are employed in laundry work for that prison, Millbank, and Pentonville, the others in needlework and in the kitchen; all the baking is done by the prisoners; some of the large houses occasionally send work, but there is a great scarcity of it, and great difficulty in obtaining it; this the prisoners do not like, as they would much rather be employed, 4767–4769. There are two lady Scripture readers, in addition to the ordinary prison warders; some benevolent ladies also attend, and the prisoners value their visits much; they have been very useful in finding employment for those anxious to get into service, or to the Elizabeth Fry Refuge; there are four schoolmistresses, 4770, 4771. The education of prisoners on first reception is very deficient; out of 1,706 female prisoners who entered Brixton prison from 1853 to 1858, 851 were entirely uneducated, 615 could read and write (which they had learnt in other prisons), 50 could read a little, and 10 were tolerably educated; their religious knowledge was very limited indeed; they were not acquainted with anything to serve as a principle to assist them, but many of them having been in other prisons prior to coming to Brixton knew something about it; out of 300 received last year, 282 did not attend any place of worship, and 18 attended occasionally, 4771–4778. A very large proportion of the prisoners in Brixton have been previously convicted, and have been in the county prisons; it is generally after repeated convictions and confinement there that these females are sent to the Government prisons, those for stealing forming a large proportion; some have had as many as 14, and some even 40 previous convictions; a woman from Liverpool has been convicted as many as 47 times before being sent to the convict prison; she had received a long sentence, but it was not in consequence of the previous convictions, but on account of the nature of her crime, 4781–4784. A vast number of these women have been prostitutes, 4785. There is a considerable number of married women, but the most troublesome are the young women (under 30 years of age), who form a large majority of the prisoners, 4786–4788. The causes of their crimes are drink, bad company, and running away from home, but many fall again into crime from the difficulty of obtaining work, 4789, 4803, 4804. Many of them are associated with, and are the dupes of, professional thieves, 4790.

Moran, Rev. John Henry (Analysis of his evidence)—*cont.*

There is very great difficulty in procuring employment at the expiration of the sentences; since 1857 the Prisoners' Aid Society has obtained employment for 131 of the women, and of that number only five have been re-convicted; very few would get employment if it were not for the society, 4791, 4792, 4805. The women pay their gratuities to the society, and then the society procures them situations, 4793. The most hopeful cases are recommended to the society; it is a voluntary matter on the part of the prisoners, and forms no part of the condition of the licence; there would be many more if the society were in a position to take them up, 4794, 4795. Since the prison was opened, 69 have been returned on revocation of the licences, 4796. The return of these women makes the other prisoners rather dissatisfied with the system; they feel that it is likely to tell upon themselves in its effects upon their future prospects; at the present time there are about 2,320 at liberty who have been in Brixton since November 1853, of whom 277, or rather less than 12 per cent., have returned to prison, either from revocation of the licences or re-conviction, 4797–4801, 4833. Has not been able to obtain situations for the prisoners; one of the lady Scripture readers has a servant at present in her employment who was a prisoner, and she has been with her two or three years, and is going on very well; the lady selected the woman from her own observation of her character and conduct, 4806, 4807.

The number of officers in Brixton prison is about 40 for 600 prisoners; they are decidedly overworked, and the hours are too long for an efficient staff; they are frequently ill, and look very much worn out at times—the staff is not sufficient; if it was larger the superintendent might be able to give an earlier leave of absence once or twice a week, and in that way give them a little time to recruit; about 10 more would be a great advantage, 4808–4812; the prison is very healthy upon the whole; there are very few deaths, and many of those in the infirmary are invalids from Millbank, or are received into the prison in an invalid condition, 4813.

Witness thought a great deal on the subject of police supervision when at Portland, but could not agree with Captain Knight, the then governor, as to his proposed plan for surveillance by the police, and has had no reason to alter his opinion that it was not desirable, either in the case of males or females, from the state of convict feeling, and the feeling of the police towards the convicts; it is no test of prison discipline as to what effect it produces; if a man when released from prison is placed almost in the same position as a prisoner, and watched at every turn, it is no test as to his principles, or the benefit derived from having been in prison; if prison discipline is said to be good, the man ought to be able to stand alone without supervision; the prisoners look upon the police as persons who are not disposed to be friendly to them, but the contrary, and they regard them with a sort of shrinking; supervision would be ruinous to those who had obtained employment; if old offenders were put under the care of the police when they came out of prison, that might be wise and fair, but notice should be given beforehand, for retrospective changes in the discipline of a prison are great evils to contend with; supervision should only be exercised over those who have been twice convicted under sentences which have sent them to Government prisons; for, in the case of those who have offended for the first time, having undergone penal servitude and the discipline of a convict prison, it would be fair to give them a fresh opportunity to start in life, 4814–4817, 4846–4850, 4867–4871. Special agents might be appointed, such as that employed by the Prisoners' Aid Society, sanctioned by the Government, to look after the interests of female convicts, to pay their gratuities, and to watch them, and if they were going astray to give a hint to the police; the best mode of proceeding would be by a voluntary society recognized by the Government, but if that could not be obtained, agents might be appointed to watch over them; prisoners in this country would never be satisfied with anybody to deal with them whom they did not consider to be their friends; such supervision would be most desirable, and the prisoners would be very thankful for it, 4817–4819, 4822, 4823, 4851. At the present time there is no one to look after them while their ticket of leave lasts; that is, however, done to a very limited extent by the Prisoners' Aid Society, 4821, 4822. Would propose something like the Société de Patronage in France, which is quite independent of, but carries out its objects with the full sanction of, the Government, receiving from it no pecuniary assistance; they look, just as the Prisoners' Aid Society does here, for situations for the prisoners, 4824–4828. With regard to the feeling of the prisoners towards voluntary associations for helping them, reads a letter written 10 years ago by a prisoner at Portland, seeking permission for a large body of the men to give a portion of their gratuities to support the Smith Street Institution, but it was not allowed to be done; it was thought to be irregular, though it was their wish, 4829, 4830. Most of the female convicts in England are discharged through

Moran, Rev. John Henry (Analysis of his evidence)—*cont.*
Brixton prison; the Home Office has issued orders that in all the county prisons, where there are persons known to have been convicts, a report should be made to the Home Office giving information respecting that point, 4834. The per-centage (12) of those who return to Brixton does not fairly represent the number who have fallen again into crime; with respect to those who have been reconvicted, and whose sentence sends them to a Government prison, it must be so, but it would not represent those who had fallen into crime, those who had not been recognized, or those who had been in the county prisons; a much larger proportion have probably fallen into crime, but, at the same time, as most of the prisoners return to their homes, and as they would be known in the neighbourhood if they had committed offences before, they would probably receive sentences of penal servitude, 4835–4838. According to the last report from Liverpool gaol, it appears that out of 207 female convicts released between the years 1856 and 1859, 73 have been recommitted, or about 35 per cent., but it is not to be necessarily inferred that they were all in the Government prisons; to make a fair statement as regards the real condition of the prisoners, it must be borne in mind that that is only one portion of the country; the average of the whole, not the worst town in England, must be taken; Liverpool is not a specimen of the whole country; it is the very worst place, and the greatest number of prisoners come from there, 4839–4843. There are many liberated prisoners who cannot be traced, and many of them do not wish to be traced because they are doing well, 4844. Witness frequently receives letters from some of those who are doing well, and from those communications is satisfied that many others are going on in a satisfactory manner, 4845. The state of education among male prisoners is very superior to what it is among the females, 4849. There has been a great abatement of the sentences on female offenders in the last few years, and there has been a much larger number of sentences for short periods; if they have been convicted before, and have been in the county prisons many times, short sentences in the case of those who have been convicted before are not calculated to reform or deter from the commission of crime, but for the first offence three years seems quite sufficient to allow the discipline in penal servitude to produce a proper effect upon them, 4852–4854.
At Portland there was morning and evening service, and at Brixton it is the same; the evening chapel service is decidedly of use to the men and to the women, 4855–4857. At Portland the men were constantly visited in their cells; those visits were paid without being asked for by the men, and were of very great importance, 4858–4860. The present practice of not visiting the men individually in their cells is decidedly a change for the worse; in the female prison there is, of course, greater restriction in the mode of visiting the prisoners; they can only be seen sitting at the doors of the cells; it would be very unwise to go into the cells and sit down; if the chaplain does so, the Act of Parliament requires that there should always be a female attendant present, consequently the visits are not quite so satisfactory as could be wished, but the information required can be obtained from the lady scripture readers, who go in and sit down and talk with them, 4858–4861. In order to produce an effect upon the minds of the male convicts, it is necessary that the chaplain should see them individually, not only when in separate confinement prisons, but in public works prisons, and there should be a sufficient number of chaplains in all prisons to enable this duty to be performed, 4862–4864. It appears by a return respecting the number of female convicts re-convicted during the last six years, that 224 out of a total of 284 were re-sentenced during the last three years, and only 60 during the first three years; witness cannot explain the extraordinary discrepancy between the first and the last three years; at first the difficulties were not so great, and probably female prisoners obtained employment more readily, but since that a great outcry has been raised against prisoners, both male and female; it is probable that a far larger proportion have re-fallen into crime within the last three years than within the first three years, 4865, 4866.
Mortality in convict prisons favourable; higher among female prisoners than males, *Guy*, 2980.
Mountjoy Prison:
Erection of, and system pursued at, *Jebb*, 603–611. In Dublin, a separate confinement prison, similar to Pentonville, *Crofton*, 3159. Employment of prisoners in, *ib.*, 3161. Depressing effect of treatment in, *ib.*, 3162. Kind of education given in, *ib.*, 3164–3166. Length of stay of prisoners in, *ib.*, 3168–3172. System carried out in, the same as at Spike Island; number of prisoners in, *ib.*, 3205–3209. Modes of employment, and association at, *ib.*, 3210–3213. Treatment of female convicts in, *ib.*, 3434–3437. No gratuity allowed to prisoners in separation in, *ib.*, 3463. Dietary at, *Whitty*, 3704–3719. Licencees breaking conditions, when re-

Mountjoy Prison—*cont.*
taken are sent to, *ib.*, 3798. Men re-apprehended are sent to, *ib.*, 4421. Licence holders with licence revoked for serious offences are re-sent to, *ib.*, 4909–4913. As to allowance of meat at, *ib.*, 4470. Men at, are kept four months without interesting employment, *Organ*, 4697. System of marks at, well devised, *ib.*, 4698.

Mutiny: Nothing in the shape of, among the Irish convicts, *Whitty*, 3773.

Newgate:
Convicts at, are in separation, *Davis*, 1926. Diet of prisoners in, *ib.*, 1941–1944. Greater portion of prisoners in, are waiting trial, who may buy the whole of their food, *ib.*, 1946, 1952. Condition of, satisfactory, *ib.*, 1951.

Newland, Richard Francis, Esq. (*Analysis of his evidence*):
A magistrate of South Australia and police magistrate for 10 years, from 1850 to 1860, at Port Adelaide, 2861–2864. Number of arrivals at Port Adelaide of persons from Western Australia, and of departures from Port Adelaide for Western Australia, from the year 1855 to 1860—in the year 1855 the arrivals into the colony from Western Australia were 269 against 24 departures to Western Australia; in 1856, 438 against 51; in 1857, 629 against 21; in 1858, 184 against 34; in 1859, 156 against 40; in 1860, 114 against 61; a great many, about half, of the 1,300 who came in the first three years were expirees and conditional-pardon men, 2870–2876, 2878. That immigration of convicts and ex-convicts created so great an excitement, and crime so much increased in the colony, that an Act was passed in 1857, restraining such persons from coming in—the Extradition Act, by which they were to be either subject to three years penal servitude, if found in the colony, or were sent back to the colony whence they came, 2877–2879. The excitement was not imaginary, it was founded on real evils; crime had increased, and the crimes were chiefly committed by the Swan River convict class, 2880, 2881. The offences committed by them were chiefly assaults, robberies, and burglaries; they stopped people at night, and went about in pairs; and it caused the complaint that, independently of its bad effect generally, the expense of the jails and police, which was heavy before, was much increased, 2882–2886. Thereupon an Act was passed to restrain those persons from coming; it was reserved for the Queen's assent, and in 1858 it became law; the effect of this Act was to restrain the arrival of the conditionally-pardoned men very much; it did not apply to expirees, 2885–2892. The resumption of transportation of convicts on a large scale to Western Australia would be injurious in every way to South Australia, 2894, 2912. A continuance in force of the Extradition Act might to a great extent keep the conditionally-pardoned men away, but there being no Act to prevent expirees and full-pardoned men coming, South Australia would be inundated with them—they generally leave as soon as they can after they are pardoned or have completed their sentence, and the fact of a man getting his pardon being considered to make him a free subject, he is able to go where he pleases, 2895–2899. As a police magistrate witness has on four occasions had to send them back to Western Australia, after they had been detected on board of vessels endeavouring to come into the colony, 2901. There is reason to believe that the government of Western Australia are anxious to get rid of people who are troublesome, and that they have assisted them in getting away from the colony, 2902. One instance quoted, 2905–2911. Price of the passage between the two colonies; there does not appear any difficulty in an expiree or a conditionally-pardoned man mustering 7*l.* or 8*l.* to get out of the country, 2903, 2904. Convicts were never transported to South Australia, 2917. The proportion of crime committed by ticket-of-leave men from Western Australia was more than 10 per cent., and the proportion of criminals that came from Western Australia compared with the great bulk of the people was more than 10 per cent., 2919–2921. This proportion applies to the time before the passing of the anti-convict Act, 2936, 2937. Number of commitments, convictions, and population of South Australia in 1855 and 1861, 2923–2929. The severest secondary punishment inflicted in the colony is penal servitude for life, and for periods of years; expenses of gaols and police in 1850 and 1861, and the population in same years, 2931. The convicts in the colony can work out, by good conduct, a certain part of their sentence, which is allowed every year; but they are generally worked in irons, in gang work, at the Dry Creek, a large stone quarry, adjoining the convict prison, about six miles from Adelaide, 2931. There are no tickets of leave in South Australia; convicts are kept for the term of life or any other period they are sentenced to; the criminals from Western Australia were hunted out by the anti-convict Act; they generally did not go back to their old colony, but went overland to Melbourne or to Sydney—probably to Melbourne, 2938, 2939. Several men in the police had been prison warders in Western Australia, and they had been taken

Newland, Richard Francis, Esq. (Analysis of his evidence)—*cont.*
on chiefly with the view of recognizing the conditionally-pardoned convicts, and their evidence on oath that those men were known to be undergoing their sentence within the last preceding seven years was sufficient to convict them, 2940, 2941. The South Australian expirees or pardoned convicts do not think to leave the colony, for they have friends or connexions, and when they come out again they endeavour to obtain their livelihood there, which they are more likely to do than if they left, 2943. The persons sentenced to penal servitude in South Australia are now confined in separate cells, and they are worked in irons in association in the daytime in the quarries ; until lately they were in association at night also, 2946–2948.

Oatmeal:
Gruel should be made of coarse oatmeal, it is more palatable and more nutritious than flour or fine oatmeal, *Guy*, 2963. The oatmeal breakfast in the penal diet is a large and satisfying mess, *ib.*, 3066.

O'Brien, Captain Donatus (*Analysis of his evidence*) :
One of the Directors of Convict Prisons since April 1849, whose duties relate to Millbank, Pentonville, Brixton, and Parkhurst, 1995, 1996. There is accommodation in Millbank prison, or will be shortly, for 706 male prisoners ; it is proposed to remove the females to Parkhurst prison, in the Isle of Wight, for the purpose of making room for convicted prisoners in the first stage of their probation, 1997, 1998. There is a deficiency of room for prisoners under convictions for penal servitude at present ; Millbank prison will shortly hold 706 male prisoners ; Pentonville, 560 ; Leicester prison, under a new arrangement, 140 ; Perth prison, under a new arrangement, 140 ; and Wakefield is estimated to hold about 400 ; making a total of 1,946 male prisoners who will have to undergo a period, probably, of nine months separate confinement in the first stage of their sentence, and it is computed that in the current year there may be 3,029 new male convicts received in all ; deduct about five per cent. for invalids, which will be 152, who will go to Woking or to Dartmoor, the remainder, namely 2,877, will require 2,163 cells, 217 additional cells therefore will be required this year, 1999–2002, 2275. This computation is with regard to prisoners who will be received in 1863, irrespective of those who are now under confinement, 2003, 2004. The regular course at Millbank is nine months separate confinement for ordinary prisoners ; in addition to those there are prisoners in the penal class, and prisoners who are under observation on medical or mental grounds, of these there will be about 700 in the year 1863, 2007–2009. The nine months at Millbank is more in theory than in practice, 2010, 2011, 2290–2293. It is convenient that certain duties should be performed by prisoners who wear a blue dress for distinction, of whom there are at this time 18 in Millbank ; they have gone through the whole of their separate confinement, but they are detained as bakers, in the cookhouse, in the storehouses, and to go of messages ; they are not under the same discipline as, and they receive a better diet than, the ordinary prisoners ; they are treated as if they were on the public works undergoing their second stage of punishment : these men are selected generally on account of good conduct and short sentences, 2011–2013.
Difference in the treatment of the men who have served a portion of their sentence in Millbank and those in Pentonville ; at Millbank the inner doors of the cells are unbolted and left open at the end of two months, in Pentonville prison the prisoners are always bolted up : reasons why the inner cell doors are left open ; the practice is too lenient, and if health permitted should be altered ; the cells contain nearly the same cubical contents, but they are differently disposed, 2014–2018. The ventilation is as good at Millbank as at Pentonville, although differently managed ; the distinction has been made in consequence of the position of Millbank prison, 2019, 2020. The health of the prisoners at Millbank of late years has been nearly as good as at Pentonville ; whenever there has been an epidemic, Millbank prison has suffered, whereas Pentonville has not ; on two occasions, when cholera broke out, the prisoners were obliged to be removed to other places, there has been no removal from Pentonville, 2021. Pentonville and Millbank prisons are supplied with different water ; that at Pentonville is pumped up from a well sunk on the premises ; at Millbank prison the water is supplied from the fountains in Trafalgar Square ; at the time of the outbreak of cholera Millbank prison was supplied with water drawn from the river, but during Lord Palmerston's administration as Secretary of State for Home Affairs, certain trials were made the result of which was the introduction of water from the Trafalgar Square works ; since that change Millbank prison has been as healthy comparatively as other places, 2022–2028. When dysentery prevailed in London it was usually worse at Millbank than elsewhere, but of late Millbank has been as free from it as other places have been, 2029.

O'Brien, Captain Donatus (Analysis of his evidence)—*cont.*

The diet for males in separate confinement at breakfast is eight ounces of bread, three-quarters of a pint of cocoa, made up sweet; for dinner five ounces of meat after boiling, one pound of potatoes, six ounces of bread, and a quarter of a pint of soup, for every day in the week; the soup is the liquor in which the meat was boiled the day previously; the meat comes up in a tin containing the liquor; for supper eight ounces of bread and one pint of oatmeal gruel, 2030–2034. The diet has been in use for a great many years, and has always appeared to witness too much, but Dr. Baly refused to undertake the responsibility of reducing it, or of sanctioning its reduction, 2034. The present medical officer, Dr. Guy, holds rather a different opinion, which was arrived at in this manner; there is a penal-class diet chiefly consisting of Indian meal diet, and it was considered to be very distasteful; but it now appears that the penal-class prisoners do not dislike it, and many of them actually increase in weight upon it, and it is given in abundant quantities; Dr. Guy, after examining the whole question of Indian meal diet, came to the conclusion that it was too much; then he considered the question of ordinary diet, and he has now come to the conclusion that he thinks that too much also, 2035–2038. The penal class is divided into two stages, in the first stage, for breakfast the allowance is 10 ounces of oatmeal porridge made with half a pint of milk; for dinner, pudding made of 10 ounces of Indian meal, one pint of milk, half a pound of potatoes; at supper 12 ounces of bread; in the second stage a prisoner in the penal class has ordinary diet; the penal class consists of prisoners from all the convict prisons who have so misconducted themselves as to be withdrawn from the ordinary prison discipline and placed under a prison discipline which is far more severe; this diet was thought on the whole too generous, 2040–2042. The blue dress prisoners' diet consists of, for breakfast, 12 ounces of bread, and one pint of cocoa; for dinner, from five to six ounces of meat after boiling, on alternate days three quarters of a pint of soup, one pound of potatoes, and six ounces of bread; for supper, one pint of tea, nine ounces of bread, and on Sundays, in addition to the above, two ounces of cheese, three ounces of bread, and half a pint of beer; that is the diet belonging to the second stage on public works, 2043, 2044.

Nature and result of the employment at Millbank, with the numbers of the different workmen, the greater part of whom have been instructed in the prison, 2045–2048. The work done is estimated according to a scale of prices established in 1853; it is impossible to give the average value per head, because the population of the prison is a fluctuating one, both in class and in numbers, 2050. The prisoners work about nine hours a day: they go to chapel once a day, either in the morning or afternoon, according to the accommodation which can be found for them in the chapel; the same chapel is used for males as well as females, and that causes the difficulty; they do not attend together, 2051-2055. Hands in a return of the work done by the bagmakers, weavers, matmakers, basketmakers, pickers of oakum, tinsmiths, coopers, brushmakers, and so on, including the garments made, in 1862, giving an estimated total value of 2,423*l.* 9*s.* 2*d.*, 2056. The greater portion of the articles have been made for prison purposes; Millbank, Pentonville, and Brixton are the manufactories for the public prisons generally for clothing of all kinds and shoes; all they wear in fact, 2057, 2058.

Gratuities are allowed to convicts in this stage; when a man has been six months in prison, and his conduct has been good, he gets a badge, and then he is entitled to a gratuity of 4*d.*, 6*d.*, and 8*d.* per week; the gratuities are given according to the amount of work done; a prisoner must make five jackets or five pairs of trousers to earn 4*d.*, eight to earn 6*d.*, and 10 to earn 8*d.* in a week, the gratuity depending upon the actual amount of work done, 2059-2061; a gratuity would not be given to a man unless he had conducted himself well during the six months he had been in prison; no gratuity is given until the expiry of six months, 2062, 2063. The men who have badges given for good conduct are not often punished; if they were to commit offences for which they deserved punishment their class would be reduced, 2064.

A man who neglects his work is punished, according to the degree of his offence, by being put upon bread and water, or in a dark cell; for a very serious prison offence he is punished by an extended period on bread and water diet, or by flogging, or by being placed in the penal class in addition to forfeiture of remission of sentence; flogging would be inflicted only by witness's direction, 2065, 2066. A new sort of cat has been introduced into Millbank prison as well as into Portland, but it is very like the old one; the great change made recently has been reducing the number of lashes from three dozen to two dozen; witness has seldom ordered corporal punishment to be inflicted lately, thinking that a light punishment with the cat injudicious; if these men were birched on their posteriors it would have an excellent effect; they should be treated in that respect as juveniles are treated;

O'Brien, Captain Donatus (Analysis of his evidence)—*cont.*
many persons of experience in convict matters have all come to the opinion that it would the most judicious way of treating prisoners who commit offences which deserved flogging, 2067. An assault upon a prison officer would be a sort of offence for which flogging would be administered; the last man, however, that was punished was for breaking 25 panes of glass, his salt-pan, and damaging three tin pints; he was ordered to receive 24 lashes in the usual way, but not until he had committed himself so often that it could not be avoided; he had been punished with bread and water diet so often that it appeared it would be just as well to try what flogging would do; at the end of a fortnight he committed very nearly the same offence, and he was flogged again, 2068, 2069. The longest number of days for which they are kept upon bread and water is 28 days by order of witness, three days by order of the governor, 2070, 2071, 2076-2078. The punishment cells are of a different construction from the ordinary cells, they are quite dark and not lighted at night, they contain a guard bed, a wooden platform raised a foot from the floor, and the prisoners have blankets, 2073-2075. The extent of 28 days of such a punishment is seldom inflicted; 21 days is sometimes ordered, and lately the punishment of bread and water has been inflicted oftener than it was a year or two or three years ago; very much depends upon the state of the discipline of the prison at the time; if a prison is getting into disorder the punishments become heavier—instance of an offender quoted, 2079, 2080. The punishment in a dark cell for 21 days produced no injurious effect upon the prisoner, 2082. The prisoners are weighed at Pentonville prison, 2083.

The penal class consists of prisoners sent up from all the other Government prisons for breaches of discipline, the average number in that class varies from 30 to 40; they are confined in separate cells, which are darkened, that is, they are gloomy, light enough to enable the prisoners to read, 2084-2088. The maximum period of confinement in those cells depends upon their original offence, or upon their conduct since they have been at Millbank; when a man comes into the penal class he is three months in the first stage; he then passes, provided his conduct is perfectly good, into the second stage, and, after he has been three months in that stage, he is considered to be an ordinary prisoner; if he continues to conduct himself properly for an additional three months there is then no objection to sending him to the public works; but if he misconducts himself in the penal class he is thrown back upon each stage, or if he has misconducted himself very much after he has passed out of the penal stage he may recommence altogether; there have been cases in which prisoners have been sent up from Portland with stated periods of confinement in the penal class, but those exceptions are so few that a man goes through his penal class in the course of three months in the first stage, three months in the second stage, remains as an ordinary prisoner for three months, and then goes back to public works, 2089-2091. The rules for treatment in each of those stages quoted, 2093. The diet of penal-class prisoners at the first stage re-stated, their employment, and the books supplied to them; no correspondence allowed them, 2094-2099. The other prisoners have the ordinary prison library books, 2100. None are taken to Pentonville direct; as soon as they come to Millbank they are examined to see whether they are fit to be removed to Pentonville, 2102.

There are at present about 470 female prisoners in Millbank prison under sentences of penal servitude; when they first come into the prison they are placed in separate cells and remain separated generally about nine months, then they are brought into association, and are employed upon different work from what they were employed upon at first; at the end of 12 months they are removed to Brixton; at Millbank the females are "bolted up" for four months after reception, while the male prisoners are "bolted up" for two months; for two months they pick coir, and in the three succeeding months they make bags, or do other rough work; after that they go on to needlework, some are employed in cooking, 2103–2106. The diet of those women is, for breakfast three-quarters of a pint of cocoa, made with half an ounce of nibs, half an ounce of milk, and eight ounces of bread; for dinner, four ounces of beef, half a pound of potatoes, and six ounces of bread; and for supper, one pint of gruel, made with two ounces of oatmeal and half an ounce of molasses, and six ounces of bread; if the subject had to be considered now, this diet would be materially reduced, 2107, 2109. Both males and females living on the prison diet are in good health, 2108. The punishment inflicted upon the females is, bread and water diet in a dark cell, with power to the same extent as with the males, 2110, 2111. Witness has never given a woman a lengthened period of bread and water, her health will not stand it; when the women, who are thoroughly bad, misconduct themselves over and over again, it is impossible to punish them any more, it does them no good, it appears sometimes to render them worse than they were before, and they become so utterly depraved, and so detest-

O'Brien, Captain Donatus (Analysis of his evidence)—*cont.*

able they can scarcely be spoken of with common equanimity, 2112, 2113. Happily, these are in the minority; many women go through their imprisonment without any report at all, 2246.

The well-conducted females receive gratuities according to a scale; in the 1st class four shirts command 8*d.*, five shirts 10*d.*, six shirts 1*s.*; in the 2d class, four shirts 6*d.*, five 6*d.*, six 8*d.*; laundry women get 1*s.* a week, 2114. The women do not receive all the money when going out of prison; the payment of the sum is regulated by a certificate of good conduct from a magistrate, or the clergyman of the parish in which they reside, 2115, 2116. Some of these females put their gratuities in the hands of the Prisoners' Aid Society, 2117. The women are all sent on release to what they call their homes; every one who is discharged is taken by a female prison officer either to the place she gives as her address in London, or to a railway station, and put into the train for the place of her destination, 2118. The prison officers have described the prisoners' homes generally as being the most wretched places imaginable; there are scarcely any of them who have not been prostitutes, 2119, 2120. With regard to the number of re-convictions of female prisoners, it is to be remarked that the police do not recognize the faces of women. A case cannot be proved in the prisons because the male officers never see the female prisoners; female officers recognize females, but they do not recognize males, therefore the female prison officers are able to prove previous convictions as readily as male officers do the previous convictions of males, 2120, 2122.

The number of females at Brixton is 630; the discipline there is more relaxed than at Millbank; the prisoners there are for the most part in the first and second classes, therefore they get better food and have pleasanter work, and are brought more into association, 2123, 2124. The diet at Brixton is for breakfast three-quarters of a pint of cocoa and six ounces of bread; for dinner, on Sundays, Tuesdays, and Fridays, four ounces of beef without bone after boiling; on Mondays. Thursdays, and Saturdays, four ounces of mutton without bone after boiling; on Wednesdays, one pint of soup, with pepper and salt, a quarter of a pound of potatoes, and six ounces of bread; for supper one pint of gruel and eight ounces of bread; first-class prisoners, one pint of tea every night, in lieu of the gruel; second-class prisoners, one pint of tea three times a week in lieu of the gruel; prisoners under punishment for prison offences, four ounces of oatmeal boiled in milk for two hours, and six ounces of bread; the female prisoners employed at washing in the laundry and other kinds of hard work get an additional ounce of beef without bone after cooking, or five ounces of mutton without bone after cooking; they get also tea every night and eight ounces of bread; with this diet the women at Brixton are kept in tolerably good order, 2125, 2126. For gross misconduct they are sent back to the penal class at Millbank, 2126. Besides sending them back to Millbank they can be put into the refractory ward for 28 days on Indian meal diet; there is also forfeiture of remission of sentence; but witness does not know that any punishment has any effect upon them; he would propose to put their feet into the stocks for not above three successive days, allowing them out at night; it would be an excellent punishment both for females and for males, 2127–2129. The female prisoners receive continual instruction; they have a scripture reader, and are very carefully looked after by the chaplain, Mr. Moran, 2130, 2131.

The way in which the remissions are settled at Brixton is different from the way in the male prisons at Chatham and Portland; when a woman is reported, and she forfeits, say, a month, she cannot regain any portion of that time until she has been three months without a report; at the end of three months she regains a week of it, at the end of four months she regains another week of it, so that by continued good conduct she may reduce the forfeiture down to one-fourth of the whole; the advantage this arrangement has over the public works arrangement is that a woman has distinctly before her the disadvantage that she will labour under when she commits an offence; the portion of the whole taken off for a report is according to the nature of the breach of discipline of which she had been guilty; the nature of the good conduct is being without a report for three months, that is, that she has committed no breach of prison discipline; this system has the best effect, 2132–2145, 2158. The reports are as strict and minute at Millbank as they are at Brixton, 2142. Witness visits the prison once a week; in going through his duties he is always assisted by the lady superintendent, the chaplain, and the medical officer; takes no steps without consulting them; is responsible for what he orders to be done, but receives from them the greatest assistance, 2146. The females attend chapel twice a day, 2147. It was upon witness's suggestion that the method of dealing with the women with regard to their treatment and the remission of their sentences, and the mode of working out their forfeitures, was adopted; it works well, and he

O'Brien, Captain Donatus (Analysis of his evidence)—*cont.*
would like to see it adopted for the men, 2149–2153. This opinion has never been formally proposed to Sir Joshua Jebb, upon whose authority the method now spoken of for dealing with the women was carried out, neither has the suggestion for using the stocks, or the fact that punishment has no effect upon the women, ever been officially brought before the notice of the superior authorities; very soon after witness had the supervision of female convicts he became aware of the inadequacy of existing modes of punishment upon them, but the idea of stocks only occurred to him about six months ago; it has appeared in reports presented to Parliament, that with very bad women, punishments, when carried to a great extent, became absolutely useless, but there is no record of any action by the board, nor any reports by witness individually either to his official superior or to the Secretary of State, on the subject, 2154–2178.

With regard to his opinion that the diet of the women would bear reduction, but that the health of the women would not stand reduced diet in punishment, it was in reference to reduced diet in punishment, meaning bread and water diet, which affects their health and therefore cannot be continued to any extent, 2179. The daily food might be reduced without injury to the health of the prisoners; the punishment diet of bread and water could not be carried on from day to day for any lengthened period without materially injuring the health of the female prisoners subjected to it; in a minor degree the same remark would apply to men also, but men could stand the punishment of bread and water for a longer period than women, 2180-2138. No ill effects resulted from the instance of a man sentenced to 21 days bread and water, 2190. Nobody has the power to order flogging but a director, and such power should be vested in a director only, 2191-2193. Witness's mode of dealing in such cases is to have the offender brought before him, to read the evidence and swear the witnesses; he then takes the evidence and cross-examines the witnesses; the prisoner is allowed to ask any question and say what he pleases, and it is then decided and written down that the man is guilty or not, as the case may be; the evidence of the governor as to the man's character is taken, and finally, according to his guilt, his character, and the nature of his offence, his punishment is ordered; witness proceeds upon the court-martial system, and as gravely as possible tells the prisoner what his sentence is; a man ought not to be flogged without a *quasi* judicial inquiry, both sides being heard; minor offences might be dealt with at the moment, but grave offences ought to be postponed, and tried and decided by some superior authority, 2193-2196. Flogging has been ordered either for assault upon officers, for beastly practices, and nastiness, and for such offences prisoners should be flogged with a birch instead of a cat, 2198, 2199. An assault upon an officer is an act of insubordination accompanied by violence, and whether flogging would be ordered for that offence would depend upon the circumstances; there is this to be noticed, that to many prisoners flogging is not so distressing a punishment as a lengthened period of bread and water, 2200-2202. It is seldom that a man is flogged twice; if a man is flogged once, and that does not prevent him from repeating the offence, it is, generally speaking, useless to flog him again; but in one particular case the governor and the chaplain were consulted, the conclusion was come to that the man ought to be flogged a second time, 2203-2205. There is no certainty that flogging would stop the repetition of the same offence; everything depends upon the character of the prisoner, but for the most part the bread and water punishment is considered to be the more severe punishment, and is more deterring; there are a few, especially the young ones, with whom flogging would have a better effect, 2206-2212. In selecting the characters on whom flogging would have a more deterring effect, much depends upon the health, the temperament, and the antecedents of a man, 2213.

The trades exercised by prisoners have been taught them since they became inmates of the prison; very few of the convicts know any trade at all; if they do they are employed at that trade, provided it be one that is useful in the prison, otherwise they are put to such as may be the most convenient at the time, and apparently the best suited to them, 2215, 2216. Some of the prisoners have been employed as cooks for several years; and though the practice is not desirable, it was considered expedient so to employ the prisoners on grounds of economy, 2217-2219. In the majority of prisons inspected by witness, the food was cooked by the prisoners, 2220.

The female officers at Millbank are on duty, on alternate days, 12 and 15 hours, including their breakfast, tea, and dinner-time. They are on duty from 6 o'clock in the morning to 6 in the afternoon, and from 6 in the morning till 9 o'clock in the evening, on alternate days, including 40 minutes breakfast and an hour for dinner. They can only go out of the prison after 6 o'clock in the evening for relaxation, 2223–2225. Without making a distinct complaint upon the subject, they

O'Brien, Captain Donatus (Analysis of his evidence)—*cont.*

have felt dissatisfied with the length of time they have been kept in the prison, 2226. There is not a frequent necessity to change the female warders in consequence of their health giving way; the health of some has failed, but not more than might be expected under ordinary circumstances, 2227. On Sundays the hours are somewhat different; they begin at 7 instead of 6, and a female officer gets out once on every third Sunday at Brixton and Millbank; their time is very long, 2228, 2229. It is too great a strain both on body and mind of the female warders to keep them so constantly on such severe duty; the number of officers both in Millbank and Brixton prisons is small; and in Millbank both for males and females the hours are very long, the consequence is that towards the close of the day some of the officers get irritable and extremely cross with the prisoners, and other officers so tired they really do not much care whether the prisoners conduct themselves well or ill; it would be an advantage to have an increased number of prison officers; the prison is rather under-officered than otherwise; the rule has been pursued to keep the number of officers as low as possible; witness has occasionally asked for a greater number of officers, and has been answered that they cost too much, it would be better if the number of the officers both male and female was increased; it would be desirable, except on the score of economy, to relieve the warders and others by giving them a turn of the lighter kind of duties, such as cooking, instead of being constantly in attendance upon the prisoners, 2230–2235.

With reference to corporal punishment, there would be no difficulty in giving power to the governor to proceed judicially in such cases, but it would be better that the power should be vested in some authority superior to him, 2236, 2237. The director attends at the prisons regularly, and can be easily applied to, so that a judicial investigation need not be delayed by the circumstance that the power was not vested in the governor of the prison, but in some other person without the prison, 2238–2241.

The main difference in the management of Pentonville and Millbank prisons is with regard to the manufacturing department; there is no difference in the discipline, the rules, the punishment, nor the diet, 2242–2245. The description given of the bad conduct of the female prisoners at Brixton, their depraved habits and hopeless state, referred only to the worst class of the whole, to a minority; many of the women go through their imprisonment without any report at all, but even with regard to that better portion, in many cases nothing like complete reformation takes place during their confinement at Brixton, 2246, 2247. The system there is a judicious and well-regulated system for the treatment of criminal women except with reference to bringing the women into separate confinement previous to their discharge; every prisoner ought to be brought back into separate confinement for three or four months previous to discharge, the women as well as the men; witness discussed the subject with Sir Joshua Jebb, but the idea has not been encouraged, 2249–2254. All the male convicts in Millbank work at trades and picking coir; the great majority are employed in trades; it is certainly not a penal mode of occupation; but it would be difficult to devise labour of a much more irksome and penal description than employment in trades; picking coir is more irksome, and if it were continued would make the system more penal, 2256–2261. The abandonment of a more penal system for a less penal system is not, in fact, the substitution of an easier system on economical grounds; it depends more upon the necessity for employing people at some handicraft work, because many prisoners would break down altogether in health if they were kept at picking oakum for months and months; practically it is left to the decision of the medical officer now, for if he thinks it necessary a change takes place; but it would be difficult to put a man for four months at picking coir, then to a trade, and then to put him back again to the coir, 2264. Looking to public objects it is desirable to keep men at that occupation, whatever it may be, which, having due regard to their health, is most penal: breaking stones would be more irksome, and in some of the country prisons it has been adopted, but not at Millbank, 2265–2270. Crank labour has never been resorted to in Millbank or Pentonville prisons; it is not more penal because it is unproductive, the prisoners do not consider whether what they are doing turns to profit or not, 2272–2274.

With respect to the opinion that it would be desirable for public objects to increase the present period of nine months passed in separate confinement to 12 months, if that was done it would be necessary to increase the present accommodation by one fourth, 2276, 2277. Mention made of conversations with Dr. Baly and Dr. Guy, as to the diet being better than it need be, 2278–2281.

Gratuities are given to the warders at Millbank and Pentonville upon the recommendation of the governor, to the instructors for the purpose of bringing on the prisoners and getting as much work out of them as possible; the gratuities vary from

O'Brien, Captain Donatus (Analysis of his evidence)—*cont.*
2*s.* 6*d.* to 3*s.* 6*d.* a week, but they are not given to any of those officers who are simply discipline officers; the amount of the gratuity depends upon the opinion that the governor himself has formed of the quantity of work got done by the instructor and the diligence that he has shown in instructing the prisoners; the conduct of the prisoner does not count in the warder's gratuity; the scale of gratuities is an arbitrary one, entirely at the discretion of the governor, within the limits of 2*s.* 6*d.* and 3*s.* 6*d.* a week, 2282–2287.

Except upon the ground of economy, witness would prefer to have free labourers to do the household work in the prison; there would be no inconvenience from the danger of communication between the free labourers and the prisoners; the free men would be under the same control as the ordinary warders, 2288, 2289. The gratuities given by the governor are generally uniform in amount; and the general practice is that the warders get their gratuities; it is rare that a gratuity to a warder is withheld, 2294–2297. Comparatively speaking, there are fewer assaults committed on officers in close prisons, as they are termed, than have been committed on officers at the public works prisons; some of the warders act under fear of violence from the prisoners; there are some prisoners now in Millbank very dangerous to approach, and the officers do not approach them without great terror, and taking great precautions; they may be influenced by fear of the prisoners in the reports they make respecting them, but they generally state the truth in making their reports, 2298–2301. Some of the prisoners have been discharged lunatics; they have been to Bethlehem and have been returned upon certificates of sanity; there was one case in which a man afterwards murdered a warder, 2303, 2304.

Offences for which warders are dismissed at Chatham, *Measor*, 5703-5708.

Olives, cultivation of, in Western Australia, *Sanford*, 2803-2808.

O'Neil (civil guard), good conduct of, at Portsmouth, *Gambier*, 4124.

Organ, Mr.:
Instructor and lecturer at Smithfield and Lusk prisons; exertions of, to procure employment for released prisoners, *Jebb*, 635, 636, 642, 643. Lectures given by, to convicts, for the purpose of promoting emigration, *Crofton*, 3268. Letters received by, from the employers of emigrated convicts, *ib.*, 3290. Part taken by, in the supervision of ticket-of-leave holders, *ib.*, 3302, 3303, 3309–3312. Number of men under his supervision, *ib.*, 3305–3313. Lectures by, to encourage emigration, *ib.*, 3506. Convicts under supervision of, "gone abroad," *ib.*, 3516–3518. Peculiarly qualified for the performance of his duties, *ib.*, 3670–3674. Supervision of released prisoners by, *Whitty*, 3781–3788. Knows about every convict released from the intermediate prisons, *ib.*, 3870. His position and pay, *ib.*, 3873–3879.

Organ, Mr. James P. (*Analysis of his evidence*):
Lecturer to the Irish intermediate establishments for upwards of seven years; was previously superintendent of the adult evening schools in Dublin, 4486–4488. Duties as lecturer are to bring before the convicts subjects calculated to make them thinking beings, not interfering in any way with the duties of the respective chaplains, and to exercise supervision and procure, if possible, employment for them when discharged, 4489–4492, 4503. There was great difficulty at the outset in procuring employment, and it required great perseverance; the employers were seen personally, and when a man was taken, both were visited, and this is done at the present time; the characters of the men are ascertained, and the peculiar employment they are fitted for considered, 4493, 4494, 4705–4708. Since the employers have had experience of the men the difficulty has diminished, 4495. There is no sympathy with the criminals in Ireland that would induce employment to be more readily offered to them, 4496. Reads a letter from late Acting Inspector Murphy, of the Detective Department, Dublin Police, detailing the opinions formed by the police of the discharged convicts under supervision, and showing that the police and witness work hand in hand, 4497, 4498. There are nearly 150 discharged convicts in the city and county of Dublin who have been at Smithfield, 4499, 4500. The visitation reports are divided into three parts, showing the number under the old Transportation Act, the number unconditionally discharged, and the number under the Penal Servitude Act of 1857–4501. Explains the nature of his supervision, illustrating it by cases from the visitation reports, 4501–4513. Nearly five to one, or about four out of six, of the short-sentenced convicts relapse, 4513–4515. The long sentences produce better results than the short sentences, 4516. Employers invariably prefer ticket-of-leave men to convicts unconditionally discharged, because they are under more control, 4517, 4518. It is doubtful whether the Irish system would have succeeded with the three years' men, because

Organ, Mr. James P. (Analysis of his evidence—*cont.*

the supervision over them would be for so short a period, 4519. Short-sentenced men, being habitual thieves, are not better as a class than long-sentenced men, 4520. There are several English employers of discharged convicts in Ireland, and there is much less difficulty in inducing them to employ the men than in the case of Irish masters, 4521, 4522. Among the men for whom employment has been obtained, there are many criminals who had been committing crime for years, and these men continue at hard work, being regularly visited by witness, 4523–4525. Convicts released on licence are bound to report themselves to witness in the same manner as those in the country are bound to report to the constabulary, 4526. Prefers visiting them at their own homes, and speaking to their employers, 4527. The police do not exercise any supervision over the convicts in Dublin except in suspicious cases, 4528. In the intermediate prisons there have been English and Scotch prisoners as well as Irish prisoners, and there are some at present; there is no greater difficulty in dealing with them than with the others, 4529, 4530. Never advised men released from intermediate prisons to go to England; not more than 1½ per cent. have done so, 4531–4533. The employers are always made acquainted that ticket-of-leave men are in their employ, but the honest workmen are not told; if they were they would not work with the criminals, 4534–4538. Industry and the state of the home and foreign labour markets frequently form the subject of lectures to the convicts; they never emigrate except from choice; as they are taught the practical working of a ship at Smithfield, many pay part of their passage-money and work out the remainder, consequently many emigrate, 4539–4545. Emigration has increased in Ireland generally, but the proportion of prisoners has not varied much; the number emigrating is increasing, and fewer convicts were under supervision in 1861 and 1862 than in previous years, 4546–4557. The period during which convicts attend the lectures at Lusk and Smithfield varies, according to the length of the sentence, from four to 12 months, 4558, 4559. The lectures have better effect upon the men who remain for the longer period; those who have relapsed have principally been men who have attended for the shorter periods, 4560–4564. Prisoners appear to be as much amended while at Lusk as at any of the other prisons, 4566. The object of the lectures is to encourage a distaste for crime, and a desire to live honestly and industriously and to make them thinking beings, 4567, 4568. Those who relapse into crime can never get back to an intermediate prison, 4569. There are no intermediate prisons now except Lusk and Smithfield, but there have been; had nothing to do with those old intermediate prisons, 4570–4572. A friendly supervision continues long after the men have ceased to be under the legal control of the Government; if a man is out of employment witness would try to help him, and if anything wrong was going on after the ticket of leave had expired would report upon him to the police, 4573, 4574. Not more than five per cent. of those discharged from the intermediate prisons have relapsed, 4575. The lectures at both the intermediate prisons are the same, and are delivered in the evening after work, twice a week at Lusk and five times at Smithfield; the men are very eager to attend, 4579–4584. Witness never interferes with the discipline anywhere, 4585. Competitive examinations are held every Saturday in Smithfield, but not at Lusk; the men there are interrogated upon the subjects of the lectures which is very nearly the same, 4586, 4587. The men would be very glad to work themselves into employment without aid, 4588. About 10 per cent. obtain employment without assistance; employment for the other nine-tenths,—that is, of those who do obtain employment, not nine-tenths of those who are discharged—is obtained by witness, 4589–4591. About 60 to 65 per cent. of the whole number discharged who find employment in Dublin obtain employment through witness, 4591 4593, 4640–4644. Cannot assist in obtaining employment for men sent into the country and placed under the supervision of the police; the authorities in Dublin know what these men are doing, because when they write for their gratuities they state with whom they are working, and they get no part of their gratuities unless the police authorities certify that the money is wanted for a useful purpose, that their conduct is good, and that they are employed by certain persons, 4594–4597. Has nothing to do with the payment of the gratuities, except to recommend when the money is required for a useful purpose; this applies both to the convicts in Dublin and to men who are under police supervision, 4598, 4599. When it is known that men are going abroad, the gratuities are paid at once, 4600. They take their passages themselves, security being taken by witness in his private capacity that the gratuities shall be applied in that way, 4601–4603. The assistance to emigrate rendered to men is by inducing the owner of a ship to give them a passage out, he being fully aware who the men are; a good many are got out in this way; the convicts choosing the place to which they will go, 4604–4607. Of the remaining 35

Organ, Mr. James P. (Analysis of his evidence)—*cont.*
or 40 per cent. some go to sea, others emigrate and go away it is not known where, 4609. Of the whole number that are discharged from Smithfield and Lusk in the course of a year, by far the larger portion are discharged into the city and county of Dublin, and the greater majority of these are disposed of by witness, 4610–4612. During six years ending 1862 only 25 in Dublin have relapsed into crime, 4613–4617. Knows nothing about the men who are discharged in places other than in the county or city of Dublin, 4618, 4619. A large number may have relapsed into crime throughout the country; many would naturally leave Dublin where they are well known to the police, if they contemplated the commission of crime, and would go where they would not be known, 4622, 4623. Witness has never known them to go to Liverpool, 4624. If a man left his residence and his employers, and it was known where he was gone to, it would be reported to the director; the men cannot go to England without witness being aware of it, neither can they go to Belfast; they can go to England when they like, as there are no means of supervi ion there, but not more than 1½ per cent. of the men come from Dublin to settle in England or in Scotland; if a man leaves his district on licence the police are forthwith notified; when the sentence has expired he can go wherever he likes, the Government has no control over him, 4625–4627. Since short sentences have become the practice the period of time during which they are under supervision is very short, after which many may relapse into crime in districts other than those with which witness is acquainted, 4628–4630. If a licence holder changes his residence without reporting himself, that is a breach of the conditions of the licence, 4631. If they go away from their residences without giving notice, so that they cannot be found out, their names are handed over to the police, and they are put into the "Hue and Cry," and their licence is revoked, 4632–4635. If a man remains in his residence in Dublin, and he is known to be associating with bad characters and frequenting public-houses, that man's licence would be revoked; there have been cases of revocation for causes of that kind, the men are now in Mountjoy prison, 4635, 4636. Of 142 discharged from Smithfield and Lusk in 1862, 37 were under the constabulary, 10 under witness, and 95 went abroad, 4643, 4644. About 243 have been placed under witness's supervision since the commencement of the system, 4651, 4652. No matter where the men come from, if they wanted to get work witness would give them a helping hand; but if they went wrong it would not reflect so much discredit as if they were discharged from the intermediate prisons, 4655–4657. Is reporting now upon 140 to 150 in Dublin, of whom about 23 are licence holders, the remainder are expirees, 4658–4662. There is no indisposition on the part of expirees to continue the intercourse they were obliged to keep up while under tickets of leave; on the contrary, they appear to be grateful for what has been done for them, 4663, 4664. Public recognition would be very injurious to them; for instance, if they were surrounded by their fellow-workmen they would not wish the greatest lord of the land to know them when they are at work, if the recognition could lead to the supposition that they had been in a convict prison; their fellow-workmen would so annoy them if their previous life was known that they could not work any longer in the place, 4665, 4666. The success of the system very greatly depends upon its being possible to prevent the men who have been discharged from being recognized as former convicts, but in every case informing the employer all about them; also it proves that the Irish are not more tender in their feelings towards criminals than the English, 4667. There have been many cases in which the old associates of well-disposed convicts have endeavoured to use their power over them, and from a fear of being betrayed have extorted money from them; if a well-disposed convict on being discharged is anxious to earn his bread honestly, and goes in amongst his former companions he is sneered at and tormented, in fact he has not any power to resist, 4668. It frequently happens that a man who means to do well is recognized in the condition of a workman by some former associate, and betrayed by him out of spite, and it is therefore very desirable, if possible, that they should be sent to some new country where their former career would not hurt them, 4669, 4670. Whatever improvement might be made in prison discipline it would remain very desirable that convicts, after discharge, should go to some new place, where they might more easily pursue an honest course of life, for the advantages to a man in a new place would be more numerous; they should not be allowed to associate together, but be separated and scattered as much as possible, 4671. Short sentences are most objectionable; sentences for less than seven years do not give sufficient time for the full working of the reformatory system of discipline, and as a man can only earn a remission of six or nine months, the motives act with less power than under the old system; in the case of habitual thieves they are a waste

Organ, Mr. James P. (Analysis of his evidence)—*cont.*

of human suffering and a squandering of the public money, 4672, 4673, 4679. Long sentences and long remissions, and supervision during the remissions, are very desirable, 4674. When a man is discharged there should be an interval before he becomes entirely free, during which he should be watched, and if he misconducts himself be sent back to prison ; it would be preferable that the period of supervision should be passed in a colony rather than at home, because there would be less temptation ; but whether a man be discharged at home or abroad he should have a long unexpired portion of his sentence to go through ; if transportation be adopted it should be a reward for the amending convict, the bad or incorrigible should be kept at home in close confinement, 4675, 4676. A man, while under discipline, should have a strong motive to behave well, and to exert himself with the hope of reducing the period he should remain in custody ; there can be no good system of discipline in which a man may not earn a considerable remission of his sentence, for the longer the sentence which is recorded against a man, the greater will be that man's desire to earn a remission of it ; the hope of earning remission has a much more wholesome effect upon a man's mind than any other indulgence, but it is very essential he should receive peculiar and special intellectual training to prepare him to take his stand again amongst the honest poor, and compete with them in the same labour market, hence the necessity for an intermediate system, 4677–4681. Remission of a part of a sentence is a better mode of acting upon a man than by holding out the prospect of better food, or gratuities, or anything of that kind ; it has a more cheering and wholesome influence upon his mind ; hope is the pervading spirit of the Irish system, and its intermediate stages are but so many stages of hope, 4682, 4683. The system in the intermediate prisons of having school every evening after labour is most valuable ; never saw greater anxiety or eagerness displayed to improve themselves by the non-criminal class than amongst the men from Smithfield and Lusk, although they do hard work during the day, 4684, 4685. That system of instruction should not be continued during the time they are on the public works, because the system pursued in the intermediate prisons is so peculiarly adapted to their wants outside, that if it were continued from the commencement to the end they might get tired of it, 4686. There is no time for carrying out a more perfect system of instruction in the intermediate prisons ; the men are well instructed in Mountjoy prison and Spike Island ; there would be no difficulty, and it would be desirable, in the public works prisons in giving them ordinary elementary instruction at the end of each day's work, and it would be better than taking them off the public works once a week ; let the work go on continuously during working hours, and give them an interval of half an hour to get their meals, and then go into school in the evening ; their minds are more settled after the day's labour ; if the men have a desire to improve, their labour will not prevent them from learning, 4687–4692. The works upon which convicts are employed at Lusk are very slavish and very fatiguing, especially in the winter time ; they are employed in draining, subsoiling, sowing, mowing, and reaping, 4693, 4694. Employment in agricultural labour is desirable ; at the same time if a man be taught a trade in prison, and he has a taste for it, and is anxious to work at it when he goes out, it is very desirable ; never knew a man who had been discharged, and who had acquired a useful knowledge of a trade in prison and had entered upon it outside, to relapse, 4695. The system of keeping the men for four months at Mountjoy without any interesting employment adds to the terror of their punishment, 4697, 4698. The marks the convicts bear, denoting the progress of their conduct, are very well devised, 4698.

Under the police the system of supervision seems to go on very well, but the police system is not so much in detail as that of witness, 4700. As far as supervision is concerned the system could be well worked by the police alone ; but, as far as provision for the men is concerned, there would be considerable difficulties in the way of aiding the men as is now done, particularly in large towns, 4703, 4704.

The ticket of leave would be revoked for drunkenness, 4713. The men who have gone abroad have been better inclined than the men who have remained at home, 4715, 4716. There are criminals in Ireland as hardened and as difficult to manage as in other countries, and in Dublin and the large towns in Ireland there is a class of men who follow crime as a calling, with whom the men when they leave prison may associate at once if they choose ; and the temptation to mix with their old associates is as strong in Dublin as in any other town, 4717–4720. The great danger is at the moment of discharge, and the important point is to have a situation ready for them, so as to let them go from the prison door to a home at once, 4722, 4723. The supervision exercised over the prisoners operates as an

Organ, Mr. James P. (Analysis of his evidence)—*cont.*
inducement to employers to give them work ; if the employers thought the visits would not be continued they would not be so ready to give the men employment, 4724, 4725. The police never interfere with persons under supervision of witness, unless their attention is called to special cases, 4726. The men at Lusk are lodged together in one hut, 4729. That arrangement is so far satisfactory that there has never been a case of complaint from the time the prison was opened, and there is no reason to complain of the result of that practice ; it is desirable that it should continue to be so ; in these convict prisons there is a kind of morality that is understood amongst the convicts, so that one would be likely to bring another to justice if he violated the privileges of the place, 4730–4734.

Outbreak :
Causes and description of, at Portland, *Jebb*, 563–568. At Chatham, *ib.*, 569–583. Of the six warders in the prison at Chatham, at the time of the outbreak, not one was injured, *ib.*, 588. At Chatham not to be attributed to any change of discipline; time of duration of, *Measor*, 5527, 5528. To what cause attributed, *ib.*, 5532, 5533. A permanent military guard has been established since, *ib.*, 5534. Punishment of the prisoners concerned in, *ib.*, 5535–5542. Symptoms and warning of, *ib.*, 5776–5782.

Paddington, comparison of the dietary for paupers at, with those of Millbank and Pentonville prisons, *Guy*, 3012.

Passage Money, between Port Adelaide and Western Australia, *Newland*, 2902, 2903.

Paupers: Pauperism:
Decrease of pauperism in 1858, 1859, and 1860, and increase in 1861 and 1862, correspondent with increase and decrease of criminal convictions in the same periods, *Everest*, 179–184. The scale of diet for paupers compared with that for Millbank and Pentonville prisons, *Guy*, 3011–3014. Greater variety in the diet of paupers, *ib.*, 3015.

Pay of an assistant warder in the convict service, *Measor*, 5432–5434.

Penal Class:
At Millbank, composition and term of, *O'Brien*, 2084–2092. Rules for treatment of, *ib.*, 2093–2099. Employment of the prisoners in, *ib.*, 2096, 2097. No correspondence allowed, *ib.*, 2099. At Spike Island, dietary of, *Whitty*, 3723.

Penal Diet:
Details of, *Guy*, 3058. Good effect of, on the health of the prisoners, *ib.*, 3060, 3062, 3070. Is healthy and agreeable; is a mistake in the matter of the dietaries, *ib.*, 3071. The women's penal diet slightly modified, *ib.*, 3090. Combined with, flogging would be a very effectual punishment, *Gambier*, 4070.

Penal Servitude:
Substitution of, for transportation, *Everest*, 25. Sentences of, shorter than those for transportation, *ib.*, 33; they were carried out in full, *ib.*, 35. Extension of sentences of, *ib.*, 71, 72. No person sentenced a second time to, is to be discharged a second time by licence, *ib.*, 78. Persons under long sentences of, have not yet been brought forward for discharge, *ib.*, 87. Disturbance at Portland in consequence of the new rule with regard to remissions of sentences of, *ib.*, 94–99. Great number of sentences of penal servitude for three years, *ib.*, 114. Persons sentenced to, mostly go to Millbank, and are there recognized if they have been previously convicted, *ib.*, 129–134. Diminution in number of persons sentenced to, in 1858, 1859, and 1860, and increase in 1861 and 1862, *ib.*, 150–179.
There are no cases where a man has been confined under two concurrent sentences of, *Waddington*, 446. Persons sentenced to, for life, can only be brought forward after 12 years imprisonment, and then only for investigation, not certainly for remission, *ib.*, 467, 473, 474, 479. Sentences for life are only passed for offences of heinous character, and are regarded by courts of justice as practically the most severe that can be passed for ordinary crimes, *ib.*, 470–472. As now established is connected with transportation ; where it fails is because it is applied to short sentences of imprisonment, and men come into a system of discipline unsuited to carrying out short sentences, *Jebb*, 713. Five years should be the minimum sentence to, *ib.*, 714. Criminals prefer three or four years of, to 18 months or two years imprisonment, *ib.*, 824. Object for which it was introduced, and as it now exists, *ib.*, 828–830. Comparison of average terms of sentences of transportation for five years ending 1842, and average terms of, for five years ending 1862, also of terms of imprisonment for like periods, *Gurney*, 1848–1854. Sentences of, have diminished, notwithstanding the power given by Act of 1857, *ib.*, 1858, 1859,

Penal Servitude—*cont.*

Habitual criminals should be sentenced to, and not a day of it be remitted, *Davis*, 1929. Smaller number of men sentenced to, relapse into crime than under the transportation system, *ib.*, 1960.

Number of sentences to, in Ireland, in 1859, 1860, 1861, and 1862, *Crofton*, 3535–3538; in 1862, *Whitty*, 4452, 4453, 4455. Seven years should be the shortest sentence for old offenders, *Crofton*, 3575, 3580. Effect of, in breaking off a prisoner's connexion with his old associates, *ib.*, 3577, 3578. Increase in the number of sentences to, *Whitty*, 4460. Not dreaded by convicts, *Smith*, 4947. Severity of, to Scotch as compared with English prisoners, *ib.*, 4955. Number of prisoners sentenced to, in Edinburgh during last 10 years, *ib.*, 5013. Men sentenced to 15 years do not dread it, *ib.*, 5066–5068.

Penal Servitude Act, 1853:

Prior to, the sentences were longer than at present, *Powell*, 1216. Men sentenced under, not well conducted, and difficult to manage, *ib.*, 1273, 1274. No inconvenience arose from remissions prior to, *Mayne*, 1655.

Penal Servitude Act, 1857:

Longer terms of penal servitude authorized by, than under Act of 1853, *Gurney*, 1857. Did not check the decrease in the severity of sentences, *Avory*, 1906, 1907.

Pensioners in Western Australia:

Military service, rotation of service, and villages of, *Kennedy*, 2431–2441.

Pentonville; Pentonville Prison:

System of separate confinement as carried out at, *Jebb*, 261. Fits occurring to prisoners after separate confinement at, *ib.*, 295, 305. Great care taken in fixing the diet at, during the period of separate confinement, *ib.*, 379. Number of prisoners the prison will hold, *O'Brien*, 1999. Comparison of, with Millbank prison, as to bolting of doors and cubical contents of cells, *ib.*, 2014–2019. Gratuities given to warders at, *ib.*, 2282–2287. Detail of diet at, *Guy*, 2984. The experiments at, of the effects of different diets, not satisfactory, *ib.*, 3027–3033. Statement of the effect of separate confinement on the mind of prisoners in, *ib.*, 3090. Should be devoted entirely to females, *ib.*, 3127. Prisoners might be subject to the dietary for a year without detriment, *ib.*, 3131, 3133.

Per-centage:

Of men having tickets of leave re-convicted, *Jebb*, 535; considerably raised by the outcry against granting tickets of leave, *ib.*, *ib.* Of re-convictions to the whole number of prisoners in Ireland, *Crofton*, 3378–3382. Large, of invalids to whole body of convicts, *Gambier*, 3951, 3952. Of convicts unfit for transportation, *ib.*, 3995–3998.

Perth Prison:

Number of prisoners it will hold, *O'Brien*, 1999. Mixture of penal-servitude men and those under sentence of imprisonment only at, objectionable, the dietary for the former being superior, *Smith*, 4956, 4957. Prisoners sentenced to nine months and upwards are sent to, *ib.*, 4999.

Philipstown:

Iron prison at, *Crofton*, 3425. Number of licence holders released from, and Spike Island, of those emigrated, relapsed, &c., *ib.*, 3601, 3602, 3611. Partially a prison for separate confinement, an invalid prison, and a juvenile prison, *Measor*, 5412. Separate cells at, as arranged by Capt. Whitty, *ib.*, 5645.

Photography, use of, in recognition of old offenders, *Crofton*, 3577; *Smith*, 5100.

Picking Pockets, boys trained to, *Davis*, 1957, 1987, 1988.

Poaching, dissimilarity of sentences passed for similar offences, *Avory*, 1910–1914.

Police:

It is assumed the police would transmit information of the apprehension of a ticket-of-leave holder, but there is no order to that effect, *Waddington*, 503, 505, 511, 512. The gratuities paid to ticket-of-leave holders are paid through the police, *ib.*, 516. Ordered not to point out ticket-of-leave men to beerhouse keepers, *Mayne*, 1625.

Police and Gaols, expense of, in South Australia, *Newland*, 2930. Expense of police in Western Australia, how borne, *Henderson*, 6359.

Police, Supervision by. *See* Supervision by Police.

Population:

Of Western Australia, *Kennedy*, 2526–2532; *Sanford*, 2836–2840. In South Australia, *Newland*, 2922, 2928. In Adelaide, *ib.*, 2944, 2945.

Port Adelaide, South Australia:
Arrivals at, from Western Australia, and departures from, to same place, *Newland*, 2870–2872. Excitement and increase of crime in, on arrival of released criminals at, *ib.*, 2877. Transportation to Western Australia would be injurious to South Australia, *ib.*, 2894. Facilities of intercourse with Western Australia, *ib.*, 2902, 2903, 2912, 2913.

Portland Breakwater, amount of stone supplied to, by convict labour, *Evans*, 6016, 6040.

Portland: Portland Prison:
Serious disturbance at, in consequence of the new rule with respect to remissions of sentences of penal servitude, *Everest*, 94–99. Prisoners dine in their cells at, *Jebb*, 290. Number of convicts released on licence at, *ib.*, 336. Estimation, superintendence, and investigation of work done at, by convicts, *ib.*, 340–347. Gratuities to warders at, *ib.*, 348–366. Gangs of prisoners at, if idle, can be punished for being so, it being a prison offence, *ib.*, 367. The system of rewards and punishments is an intricate one, *ib.*, 368. Diet at, when established, *ib.*, 540–545. Scale of, and alterations in diet at, *ib.*, 546–555. Present scale of diet at, *ib.*, 556–558. Separate cells at, *ib.*, 559–562. Outbreak at, *ib.*, 563–568. Satisfactory state of discipline at, *ib.*, 568. Opinion of Admiralty engineer as to work done by convicts at, *ib.*, 705. Daily record kept of work done by convicts at, *ib*, 706. Reports by deputy governor and chief warder as to conduct of prisoners at, *ib.*, 709, 710. A proportion of convicts may always be employed at, even when the present public works are finished, *ib.*, 722–725. Favourably situated for a convict prison, *ib.*, 726. Average daily number of convicts employed at, in 1861, and the gross value of their labour, *ib.*, 852–856, 864. The men actually employed earn the entire cost of their maintenance, *ib.*, 856. Number of men and warders in gangs at, *ib.*, 888, 889. Conversation among prisoners at, if not improper, not prohibited, *ib.*, 890, 891.
Detail of diet at, *Guy*, 2984, 2987. The diet at, excessive for the amount of work to be got out of the prisoners, *ib.*, 2990. Effect of separate confinement on the minds of prisoners at, *ib.*, 3090.
Prisoners at, are industrious and well behaved, *Gambier*, 3936. Civil guard at, *ib.*, 3940–3943. Outbreak at, caused by the manner in which the remission of sentences was granted, *ib.*, 4160–4162. Interest taken by convicts in their work at, *ib.*, 4209.
Evening chapel service at, of great value, *Whitty*, 4485. Climate at, very exhausting, *Moran*, 4747. Diet at, increased when Captain Whitty was governor, *ib.*, 4748. Religious instruction at, *ib.*, 4750. Morning and evening service in chapel useful, *ib.*, 4855. Prisoners in, were visited individually by chaplain, *ib.*, 4858. Officers at, are employed as long as is desirable, *Evans*, 5977. Men confined in, learn how to perform labour useful to them when discharged, *ib.*, 5980. Works on Verne fortification at, nearly all executed by convict labour, *ib.*, 5980. Report on, *ib.*, 6001–6016. Warders at, afraid of being too strict in reporting convicts, *ib.*, 6048. Quantity of food at, not excessive, *ib.*, 6054. Works at Portland might be much extended and a larger number of convicts employed, *ib.*, 6018, 6020. Works for breakwater at, well laid out, *ib.*, 6067. Superiority of work done at, to that done at Chatham, *ib.*, 6093.

Portland Quarries, description of, *Evans*, 6007 *et seq.*

Portland Stone:
Estimated quantity remaining to be quarried; the demand for; its qualities, *Evans*, 6007–6016. No difficulty in supplying, for the public offices now building *ib.*, 6036.

Portsmouth: Portsmouth Prison:
Prisoners dine in their cells at, *Jebb*, 290. Weekly total of diet at, *Guy*, 2988. Effect of separate confinement on the minds of prisoners at, *ib.*, 3090. Discipline and nature of the labour at, *Gambier*, 3907–3909, 3912. Number of prisoners at, *ib.*, 3910. Value of labour done at, *ib.*, 3917-3919. The prisoners do their work fairly, *ib.*, 3934. Warders and civil guard at, *ib.*, 3938–3940. Attempt to murder a warder at, *ib.*, 4124. Work done by convicts at, less satisfactory than that at Portland and Chatham; reasons why, *ib.* 4208, 4209. Work at, more irksome to the individual than at other prisons, *ib.*, 4213, 4214. Roman Catholics in prison at, are constantly changing their religion in order to get moved to another prison, *ib.*, 4215. Hours of labour at, *ib.*, 4219-4222. Regulation of labour of convicts at, *ib.*, 4233–4239. Dockyard work at Portsmouth highly objectionable for convicts, *Measor*, 5458; no effective supervision can be exercised over it, *ib.*, 5460.

Potatoes:
Should form a strong element in dietaries, *Guy*, 3049–3054. Forming a considerable element in the diet in Devizes House of Correction was the cause of the absence of scurvy in that prison, *ib.*, 3081. There were no potatoes in the Millbank dietary when the scurvy broke out there in 1822, *ib.*, 3082. Particularly suited for the prevention of scurvy, *ib.*, 3086, 3087. None allowed in Mountjoy prison in separate confinement, *Whitty*, 3705, 3717.

Powell, Capt. Folliott (*Analysis of his evidence*) :
Governor of Chatham prison, formerly deputy-governor of Portland prison, 951. Chatham and Portland prisons are similar in all general features, 953. States the discipline, routine, and accommodation of Chatham prison, 957–976. The greater part of the prisoners are employed on St. Mary's Island, in excavating, and in works for the extension of Chatham Dockyard, 977, 978. The men are divided into 72 working parties when the strength is full ; about 55 of these are employed on public works, 979–981. The number of men in each party varies from 8 or 10 to 25 with one warder to each party, 983–985.
The total number of discipline officers employed is 107, including a deputy-governor, 986–988. The superior officers consist of a governor, deputy-governor, chief warder, chaplain, assistant chaplain, medical officer, and an assistant medical officer, 990, 991. The cooking is done entirely by prisoners, the number employed being about 12, who are selected for their good conduct ; their superintendent is a free man, 992–996. Witness believes that the prisoners work quite as well as free men paid by the day as far as their strength and capabilities admit, 998–1000. Those warders whose working parties are shown to have performed the greatest amount of willing labour with the greatest good conduct receive a certain gratuity, 1001. The works are divided into districts, each district being under the charge of a principal warder, who is always on the spot, watching the working parties ; if he sees them idle, he would report the officer in charge for permitting it ; and if the work were satisfactorily done, the officer in charge would then receive the gratuity, 1002–1005. The working parties are visited daily by the deputy-governor, and by the governor as frequently as his other duties permit, 1006. Explains the method of keeping account of the work done by each prisoner, 1007–1010. Each prisoner's conduct is entered in the warder's book, upon which entry the recommendation for a licence entirely depends, 1012, 1013. If an officer considers any man idle for any length of time he would report that man as habitually idle, and if only occasionally idle would make an entry to that effect, and the prisoner would be punished by suspension from his classes, or he might forfeit a certain amount of his remission, a portion of which, however, he could recover by subsequent good conduct, 1014–1016. Perfect good conduct and a good report of labour throughout alone entitle a man to a full remission, 1017. Besides the forfeiture of seven days of remission for unfavourable reports there are other prison punishments founded on a system of reward as well as punishment ; prisoners get into the first class by good conduct, and into the stages (of which there are three on the public works) by a continuance of good conduct ; if a man's conduct is perfectly good during the first stage, and is marked V. G. for labour, without any prison reports, he gets to his second stage, with the privilege of writing to and seeing his friends every two months instead of three, and he may have tea instead of gruel for supper, 1022, 1023. The classes and stages into which the prisoners are divided are denoted by badges and stripes, and by a change of dress, 1024. Only first-class men can get into even the second stage, 1025–1029. If during the whole time a prisoner is in the second stage his conduct and labour are perfectly good, he gets at the third stage, where he is allowed further privileges, and when the minimum period of his sentence arrives he would be recommended for the minimum ; if the contrary all forfeitures of time recorded would be deducted from it, and added to the imprisonment, unless, in the case of a man who had been well conducted for a very long period, witness submitted his case to the director, who would decide whether any portion of the lost time should be restored to him, 1030, 1031. With a four years man absolute good conduct for one year in the second stage is requisite to bring him into the third stage, 1032. Any report for misconduct or idleness would cause a forfeiture of a portion of remission, 1034, 1035. The report lies with the warder in charge, 1036–1038. Men in the second and third stages get some advantages in articles of diet, 1039, 1040. A convict cannot be entitled to remission of his full time unless he got into the third stage, where he must remain for one-third of the whole sentence less one year, except in the case of a four years' man, who, if of exemplary conduct, would obtain a remission of nine months ; he would not be in the third stage more than three months, all the remission is taken out of the third stage, 1041–1044. Four years men come to Chatham at the end of nine months ; but the stages are counted one year after conviction, that is allowing 12 months for separate imprisonment, which is seldom

Powell, Captain Folliott (Analysis of his evidence)—*cont.*
the case, 1045, 1046. Very few men remain in the first stage; those who remain in the second stage are more numerous, whilst a considerable proportion of the whole, perhaps half, get into the third stage and obtain full remission, 1048–1051. The time for work between breakfast and dinner is 5½ hours, including marching to and from labour and serving the dinners, 1052–1060. The men dine in their cells, 1061. The diet at dinner is the same for all prisoners, except those in the third stage and invalids; on four days of the week 6 oz. of fresh beef, without bone, boiled, ¾ pint of soup, 1lb. of potatoes, 6 oz. of bread; on the other three days 5 oz. instead of 6 oz. of meat; the soup is partially made from the meat with ½ oz. of shins per man extra, 1062–1069. The dinners are served out by orderlies (prisoners) under the superintendence of the warders; there are 96 orderlies in all; the prisoners being told off in rotation for that purpose, 1070–1073. With respect to the demands of prisoners to have their dinners weighed, the whole of the provisions is weighed out by the prisoners under the superintendence of the cook; and in spite of the utmost vigilance of the officers a bit may be taken by the orderlies, or it may be through mistake; if the prisoner suspects his dinner is deficient, and demands it, it is always re-weighed, there are perhaps three or four cases daily; the average for a year would reach six a day, 1074–1081. There may be cases where prisoners have vexatiously required their dinners to be re-weighed, but no cases where prisoners have combined to annoy the officers, if they had it would have been considered as an act of misconduct, and punished accordingly, 1082–1085. One hour is allowed for dinner, after which the men are marched off to work as soon as they are mustered, 1086–1089. The number of gangs and the nature of the work depend upon the exigencies of the service, 1090, 1091. The time for work after dinner is 4¾ hours including marching out, mustering, and returning, 1092, 1095. They prepare for chapel at 6 o'clock, and return at half past 6; they are so placed in chapel as to see each other, and their behaviour whilst there is very good; conversation in the chapel would be an act of misconduct, 1096–1104. The convicts are allowed to talk quietly to each other on the public works, 1105–1108. At half-past 6 they have their supper, which consists of one pint of gruel made of 1½ oz. of oatmeal, and 9 oz. of seconds bread, 1110–1116. The meat is not first class, but good and wholesome, 1117, 1118. The men are allowed half an hour to supper, and from 7 to 7.45 they clean their shoes, shave, &c., and read, 1119–1121. They are occasionally visited by the chaplain in their cells, and a scripture reader visits them regularly in the winter; there are also four schoolmasters, 1122–1124. The men go to bed at 7.45, and all lights are put out at 8, except those of the third stage men, who are allowed lights an hour later, 1126, 1127. The cells are lighted by candles which the prisoners extinguish, leaving them in the cells, 1128–1131. At night a warder is told off to every division, and he goes from ward to ward during the night, 1132–1135. If a prisoner be taken ill in the night he puts his broom under the door of his cell, which would be immediately seen by the warder, 1135. The corridors are lighted by gas, 1137. During the winter months the prisoners are sent to work as soon, and are kept at work as long, as the light permits with security; the first bell rings in the darkest months at half past 5 instead of 5, so that the prisoners clean themselves by candle light, but it is light before they go out to work; the diet and mode of labour in all other respects is the same, 1138–1141. The chapel is lighted with gas, but it was thought candles were more convenient for the cells, 1146–1148. Besides the labour on public works, there are workshops where on an average about 135 prisoners are employed, who are treated as regards diet, attending chapel, and the hours of labour precisely the same as those on public works, 1149–1153. The prisoners employed by the War Department and the Engineers Department (of whom there are five parties) work under the direction of the Government officers, but are all subject to the orders of the governor, and are watched in the same way as the other prisoners, being marched home for meals, and attending chapel on their return 1154–1160. Some of the prisoners are employed in the dockyard in connexion with the new works and some within the walls of the dockyard, the warders attending to keep an account of the work done by them, and they are reported upon in the same way as those employed on the island, 1161–1164. In wet weather, unless the rain is very heavy, the prisoners would be sent to work as usual; if it were only a slight shower they would remain at work, if the rain were heavy they would be marched to sheds near their work, where as many as possible are employed at stone breaking, 1165–1169. The chaplain's department consists of the chaplain, an assistant chaplain, a scripture reader, and four schoolmasters, 1170. Instruction is given to the prisoners in the chapel on half a day in each week, for which purpose they are divided into 11 parties of 100 each, and each party into so many classes, one party attending in the morning and one in the afternoon, throughout

Powell, Captain Folliott (Analysis of his evidence)—*cont.*
the week including Saturday morning, Saturday evening being spent in cleaning the chapel for Sunday, 1171–1178. They are divided into classes in conformity with what is supposed to be their degree of knowledge; the most ignorant attend on Monday, and so on, as they advance in knowledge, till Saturday, 1179, 1180. The nature of the instruction depends on the state of education of the men, it consists principally of secular instruction, reading, and writing, under the superintendence of the chaplain, who reports annually, 1179–1188. Protestant prisoners receive religious instruction in the school for about 20 minutes; for Roman Catholics a Roman Catholic clergyman attends on Saturday, and performs service twice on Sundays in one of the divisions of the prison; service is performed in the chapel twice on Sunday, when all the prisoners attend, except Roman Catholics. Jews, and those in the infirmary, 1189–1196. A medical officer and an assistant are attached to the prison, 1197. The health of the prisoners is very fair, the average number in the infirmary would barely reach 30,—1198, 1199. The discipline of the prison is now very satisfactory to what it was at the time of the outbreak a few years ago, 1201. A very bad class of prisoners had been received from the hulks, and many of the officers were very indifferent; nearly half of the latter had come from the hulks, and those officers who had come from other prisons were desirous of seeing the discipline of Portland and other prisons established at Chatham, which was not agreeable either to the hulk officers or the hulk prisoners; an ill feeling existed between the two classes of officers, and observations were made by some prejudicial to the governor and their superior officers in the presence of the prisoners, which were reported to the directors; the result was that the question of removing some of the officers was seriously considered; they were aware this step had been taken, which did not make them more inclined to do their duty; there was naturally a want of unanimity among the officers, all conducing to the outbreak; description of the disturbance, 1201–1208. It enabled witness to introduce a more stringent discipline, and a very different order of things has prevailed since, 1209, 1210. Attributes the outbreak to there not having been the same strict discipline at Chatham as at Portland, and to the number of bad officers there, and the want of unanimity among the officers; to an endeavour to carry out the Portland discipline not supported by the officers, 1211, 1212. There were also a bad class of prisoners to deal with, from Bermuda, men who had no remission, and having no hope of any, were the worse conducted, 1213, 1214. Prior to the Act of 1853 the sentences were longer than at present, which gave the power of remitting a larger part of the labour on public works than now, 1215, 1216. Out of 1,041 prisoners at the time of the mutiny at Chatham, 184 were known not to be implicated, being employed elsewhere, and of the remainder 590 were presumed from their previous good character and conduct not to be implicated, leaving 267, of whom 123 were not known to be concerned, but from their general bad character were punished by stoppage of a portion of their gratuity and a month's remission; 62 were known as ringleaders, 14 to have been implicated in a lesser degree, and 68 to have taken some slight part in it, 1220–1224. The worst characters have not always the worst marks; and "V. G." only refers to work done, 1225, 1226. Most of these men were in the 2d or 3d class, 1227. Although the majority appear to have belonged to a tolerably good class, some of them were bad enough, 1228–1230. Statement of the first acts of the outbreak, 1232. Their punishment consisted in 48 of the ringleaders being flogged, and the others were placed on bread and water for 10 days, 1233. Perfect good conduct and a good report of labour alone entitle a man to full remission, 1234. The "G." and "V.G." have no reference to character or general conduct, 1239. The warders have no motive in making favourable entries, as their gratuity does not depend upon their making favourable reports, 1240, 1241. Considers that the system of giving gratuities to the warders works well, 1242. The punishments for prison offences besides deductions from gratuities and remission are restrictions to bread and water and separate confinement on half diet and of these the governor can only give three days; the directors only can order flogging, 1243–1245. The diet is sufficient but not too much; beef every day is requisite, considering their employment, in marshes, &c.; it could not be made less attractive without being less nutritious; there might certainly be no salt in the soup, 1246–1250. The system could be made more penal than it is, 1251, 1252, 1272. The hours of actual labour are nine in the long days, 1254–1258. The amount of exhaustion or fatigue depends upon the nature of the work, 1259. A large number of the men are employed at trades, they are so employed with a view to the profit of the establishment, also on the ground of personal fitness and with a view of enabling the men to maintain themselves when they leave prison; they are selected likewise with respect to their good conduct, a badly-conducted man is not allowed to go into trade parties at all; the workers at

Powell, Captain Folliott (Analysis of his evidence)—*cont.*
trades are much better off than the workers in gangs, it is therefore a boon to the men without being so intended; but the whole thing is regulated with reference to the convenience and profit of the establishment, and not to the penal effects upon the individual, except that none but good prisoners are so employed, 1260–1269. The period of labour on public works could not be increased beyond nine hours; the officers are on duty now 15 hours, 1270. The men sentenced under the Act of 1853 were not so well conducted as those sentenced previously, and were much more difficult to manage, 1273, 1274. Cases of attacks on warders by prisoners occur occasionally, they are not so frequent as they have been; the men are punished severely for all such attacks, 1273–1276. In cases of corporal punishment more than two dozen lashes may not be inflicted; it was most undesirable to diminish the severity of corporal punishment, 1277–1279. The punishment in cases of mutiny or violence to the warders should be prompt and severe, 1280. Neither the chaplain nor his assistant visits the men in their cells, he sees them at school, but if a man wishes to see him or if the chaplain wishes to see a man, they can do so, 1281–1283. They are only seen individually by the scripture reader in their cells, 1284. The regular hours do not allow time for more communication with these officers, whatever advantage might result from it, 1285–1287. At Pentonville, Millbank, and Wakefield the prisoners are visited daily by the chaplain during nine months, 1287, 1288. Communication between the prisoners at exercise on Sundays has been prevented at Chatham ever since the outbreak, by confining the men to the fours they are told off in, 1289. The only way of making the discipline more penal would be by preventing prisoners seeing or writing to their friends, 1291–1293. The persons who generally see the prisoners are their own immediate relations, wives, brothers, &c., whom they may see once in three months, 1294, 1295.

Prisoners generally consume the diet allowed, which is as nearly as possible the same as at Portland; they have 189 ounces of bread per week, 1297–1300. The privilege of seeing and communicating with their friends has an ameliorating influence on the prisoners, and if debarred of that privilege they would consider it very severe, 1301–1306. With regard to labour, the superintendent warder is almost always present, and the greater part of the men can be seen by him at the same time, 1307–1310. The evening attendance at chapel might be discontinued without disadvantage, but it is not desirable to dispense with the attendance in the morning, 1311–1317. Prisoners get schooling from 9 till a quarter to 12 in the week; half a day per week is desirable, it renders the punishment less penal, and the consequent diminution of punishment is well compensated by the gain the men make; the schooling cannot take place on Sundays, 1319–1326. It is not practicable so to measure the work done or to make the diet beyond bread and water depend on the amount of labour performed, 1326–1329. The work is in fact measured as far as possible, and in order to get a more accurate valuation a tradesman warder has been employed, but he cannot measure some of the work, 1330–1334. The diet of prisoners employed at trades is the same as of those employed as excavators; it could not be altered with advantage; it is not too much for the tradesmen, 1336–1340. None but well-conducted men are put into trades parties, but they are not necessarily the better class of men, though such are usually selected, 1344, 1345. Longest sentenced men are not generally the worst characters, 1346. The length of a sentence is a matter of much concern to the worst characters, 1347. Men with long sentences of penal servitude would prefer transportation, as it relieves them from penal labour at an early period; it is looked upon as a boon, and is not generally offered to any but men with long sentences, 1348–1355. The chaplain can visit any prisoner he may wish to see, except Catholics; the Roman Catholic chaplain can also visit Catholic prisoners; if a Catholic prisoner wishes to see his chaplain he must express that wish when he visits the prison, but if the chaplain requested to visit at any time he would not be refused, 1356–1361. A warder's gratuity does not at all depend upon his own report, but upon that of his superior officers, as to the amount of work done by the whole party, 1362–1366. The warder's reports are made knowing that he is under the observation of the governor and the principal warder, and that he would be punished if the reports were false, 1369, 1370. A warder reports of the prisoner individually, not of his gang, 1371–1373. The gratuity would be withheld if the officer were incompetent, and he would be reported as inefficient; the gratuities are proportionate to the ability of the warder and the amount of work done by his party, 1375–1377. If a warder had done his best to get the work done he would receive the gratuity, 1378, 1379. Amount of gratuities allowed to prisoners, 1384, 1385. Prisoners do not forfeit their gratuity except for very serious offences, which is decided by a director; Major Gambier attends at Chatham and Portland and reports on these cases, also in cases where

Powell, Captain Folliott (Analysis of his evidence)—*cont.*

corporal punishment is to be inflicted ; he visits Chatham once a month, and oftener if sent for, 1389–1395. The Roman Catholic clergyman does not visit at night when the prisoners are in their cells, but the Protestant chaplain may do so, which he rarely does, 1396, 1397. The Roman Catholic prisoners can be visited by their clergyman as often as he comes, which is generally on Saturday ; he might visit every day if he thought proper, 1401–1403. Catholic prisoners receive secular instruction with the other prisoners, but not religious instruction ; they do not attend school till that is over, 1404, 1405. The prisoners are selected for instruction with regard to their capacity for receiving it, entirely irrespective of their religion, 1399, 1400. With respect to the case quoted of a prisoner who had struck another on the head with a stone hammer, for which he forfeited 14 days' remission, that case was not reported to the director, as it did not turn out so serious as was at first supposed, 1407–1421. There are cases in which the governor should have the power of inflicting corporal punishment ; has felt the want of that power to be a disadvantage in maintaining discipline ; it is desirable that corporal punishment should be inflicted promptly, 1427, 1430. Increase in the severity of the discipline and diminution of the diet could not be carried out without bad effect if it were retrospective, 1431–1433. The prisoners' intercourse with their friends is decidedly humanizing and good ; the correspondence is carried on under the supervision of the prison officers, 1434, 1435. If there is any improper communication in a letter it is stopped, 1436. In many cases the letters contain expressions dictated by good and proper feelings which would be shocked if the intercourse with their friends were prevented, and would produce a bad moral effect upon the men, 1436–1439. It is unadvisable to make the system more penal ; it would neither conduce to the reformation of the prisoners nor promote their good conduct in prison, 1440–1444. Method of paying the gratuities to convicts on release from prison described, 1445–1470.

Pownall, Dean (*Analysis of his evidence*):

Dean of Perth in Western Australia ; has been in the colony 10½ years, 6374–6375. The general conduct and character of the convicts in that colony is very superior to anything which could have been expected from such men in England ; on the whole the reformation in their outward moral conduct is very general amongst them, 6377, 6378. The penal establishment has not had any injurious moral effect upon the free colonists, nor has the tone of society been at all demoralized by sending convicts thither, 6379, 6380. There is a great want of an itinerant chaplain, 6381. The convicts upon ticket of leave are so much mixed with the other population that the chaplains must attend to both ; the salaries of those chaplains have not been reduced lately ; the original proposition was to give them 300*l.* a year, 150*l.* from the imperial and 150*l.* from the colonial funds, but it was subsequently reduced in 1852, to 200*l.*, as it is now, which is not sufficient to maintain a clergyman in a suitable position, if he has a family, 6382–6385. The colonists generally feel perfectly secure, that there is not the least apprehension from convicts ; an example cited, of a lady whose house was surrounded by convicts, having no other labourers but convicts on her estate, who had no lock on her door, 6386–6388. This lady's farm had been a very unprofitable one until convicts were sent to the colony, since which time it has become gradually more profitable, 6389. Facilities for drunkenness the great temptation of the men ; opening of savings banks would be one means of checking drunkenness, there being no places of deposit for their earnings ; the consequence is, they have a spree at the public-house for a week or so, and a shepherd who comes in on Monday morning with 20*l.* or 30*l.* in his pocket, in about 10 days has nothing left, 6390. With the aid of savings banks many of those men would accumulate capital, and establish themselves in a higher position in life, and a great source of moral deterioration would be prevented, and a more rapid accumulation of capital for the improvement of the colony promoted, 6361, 6392. Local savings banks might be established through the resident magistrates in each district. Some clerk in the resident magistrate's office would probably be able to manage such a bank, and arrangements could be made for the money to be transmitted to the bank at Perth through the agency of the post office, but the post is only a weekly post, and it would be necessary to open the bank only on the evening previous to the post leaving. One of the reasons of the success which has resulted in Western Australia, so far as the moral character of the men is concerned, is the absence of temptation, peculiar precautions are taken against putting temptation in their way. It is generally known amongst them that the colonists never carry money about with them or have it in their houses ; all payments are made in cheques, 6394–6398.

The conduct of the ticket-of-leave men is very superior to that of either conditional-pardon men or expirees ; one of the great drawbacks is the conditional-

Pownall, Dean (Analysis of his evidence)—*cont.*
pardon system, 6399. What reformation noticed amongst them witness attributes principally to three causes—first, the absence of temptation; secondly, the wide dispersion of the men, they do not congregate and corrupt each other; and, thirdly, the climate itself has a good effect in taking the fierceness and pugnacity out of men who are of savage character here; they do not quarrel with each other, and commit violent assaults, even amongst the lads; they scarcely ever fight with each other, 6400–6402. Many wives of the convicts have followed them out, but it is frequently found, when they are written to, that they have considered the sentence of transportation tantamount to a sentence of divorce, and having formed other connexions in England, are unwilling to come. The men are almost universally anxious for their wives and families to follow them; but they must get their tickets of leave before their wives would be allowed to come to them, 6403–6405. The emigrant girls have generally conducted themselves very well. There was one lot who were proverbial for bad conduct; they were sent out from workhouses in England, and a great many were from St. Giles's and St. George's, Bloomsbury; many of them married soon after they got there, but scarcely any of them continued to live with their husbands, 6408. Female emigrants are received into a govermental depôt till they are hired, and are visited by the ladies of the place, who look after them as well as they can, and give them what advice they require; the well-conducted girls generally marry soon after they arrive; some are fastidious and do not like marrying men of that class, but all may marry if they like, undoubtedly, 6409–6411.

Prices:
Of various kinds of Portland stone, *Evans*, 6016. Of work of convicts employed at Chatham, *ib.*, 6084.

Prison Accommodation in Western Australia, *Henderson*, 6296, 6297.

Prison Discipline, retrospective changes in, create great difficulty, *Moran*, 4850.

Prison Offences:
Punishments for, in Scotch prisons, *Smith*, 4975–4989. Short of murder should be punished within the prison, *Measor*, 5753–5755, 5785–5788.

Prison Officers:
Number of, in Brixton prison, *Moran*, 4808. Decidedly overworked, *ib.*, 4809. Are frequently ill, *ib.*, 4810. Ten more at Brixton would be a great advantage, *ib.*, 4812. At Portland are employed with the convicts as many hours as is desirable, *Evans*, 5977. Old soldiers the best men as, *ib.*, 6114. Best discipline officers not always the best working officers, *ib.*, 6115.

Prisoners:
Discharged in London now sent to Millbank, and there inspected by police, *Mayne*, 1621. Weighing of, at Holloway prison, *Weatherhead*, 5181–5184. Difficulty in identifying, *ib.*, 5220. Plan for identifying suggested, *ib.*, 5222–5225, 5245–5256. Employment of, at Holloway prison, *ib.*, 5236–5239. Weighing of, at Millbank, *Guy*, 3006; at Pentonville, *ib.*, 3027–3030. Number of, at Spike Island, *Crofton*, 3207. In Mountjoy prison, *ib.*, 3207. At Lusk, *ib.*, 3206. At Smithfield, *ib.*, 3238. 75 per cent. of those released go through the intermediate prisons, *ib.*, 3241, 3242. Certain classes not admitted into the intermediate prisons, *ib.*, 3244–3249. Many released for special reasons by Government, *ib.*, 3251–3253. Identification of, on re-conviction, *ib.*, 5323–3344. Remarks on a return of the number of, released on tickets of leave, in Great Britain and Ireland, so far as regards Ireland, *ib.*, 3320, 3321. Gratuities to, are paid in instalments, *ib.*, 3353, 3354. Employment of, and procuration of employment for, *ib.*, 3367, 3371. All sentenced to penal servitude and transportation since 1853 have been dealt with under the Irish convict system, *ib.*, 3376. Number of, discharged from prison from January 1st 1856, to January 1st 1862, *ib.*, 3377. Number of, re-convicted, and sent again to convict prisons, *ib.*, 3378–3382. Erroneous report of the Dublin prison board, touching re-convicted prisoners, *ib.*, 3384–3387. Heavier sentences passed for light offences on re-conviction, *ib.*, 3393. The distress in Ireland in 1862 a cause of the great increase of offenders in that year, *ib.*, 3400.

Number of, at Portsmouth; nature of their labour, *Gambier*, 3908–3912. Their labour reported, *ib.*, 3914, 3915. Value of their labour, *ib.*, 3917–3919. Work done by, on Southsea Common, and its average value, *ib.*, 3921–3933. Perform their labour fairly, *ib.*, 3934. Commit offences for the sole purpose of being removed, *ib.*, 4144. Difficulties of procuring employment for released prisoners in Ireland, *Organ*, 4493, 4494. Period during which they attend lectures at the intermediate prisons, Ireland, *ib.*, 4558, 4559.

Prisoners—*cont.*

Female prisoners more difficult to manage than male prisoners, *Moran*, 4765. Employment of female prisoners in Brixton prison, *ib.*, 4767, 4768. State of education of, on entering Brixton, *ib.*, 4771. Large proportion of, in Brixton have been re-convicted, *ib.*, 4779. Large number of, in Brixton have been prostitutes, *ib.*, 4785. Great difficulty in obtaining employment for, *ib.*, 4791. Prisoners' Aid Society very valuable in obtaining employment, *ib.*, 4791. Sixty-nine have been returned to Brixton on revocation of licence since 1853, *ib.*, 4796. Effect of return of, on other prisoners, *ib.*, 4797. Police supervision of discharged prisoners not desirable, *ib.*, 4815. Special agency for surveillance would be advantageous, *ib.*, 4817. Feeling of, as to voluntary societies for assisting, *ib.*, 4830. Most females are discharged at Brixton, *ib.*, 4831. Greatest number of, come from Liverpool, *ib.*, 4843. Many do not wish to be traced because they are doing well, *ib.*, 4844. Education of males superior to that of females, *ib.*, 4849. In Portland were visited individually by chaplain, *ib.*, 4858.

Prisoners' Aid Society:

Is in direct communication with all governors and chaplains of public works prisons, with a view to obtaining situations for prisoners, *Jebb*, 523. The aid of the society is fully appreciated by prisoners, *ib.*, 524. Number of prisoners assisted by, *ib.*, 525; *Ranken*, 5319, 5320. The gratuities due to prisoners are paid to, and applied by it for the prisoners' benefit, *ib.*, 526, 527. Not favourable to police supervision, *Mayne*, 1690–1692. Very valuable in obtaining employment for discharged prisoners, *Moran*, 4791. Mode of procedure adopted by, *Ranken*, 5321–5332. Number of prisoners assisted by, to emigrate, *ib.*, 5333. Society works in harmony with the authorities of the Government prisons, *ib.*, 5379.

Probation Labour Class at Spike Island, dietary of, *Whitty*, 3723.

Proportion of Emigrants, "&c.," to the numbers of convicts released from the intermediate prisons, *Whitty*, 3883–3891, 4417 *et seq.*

Prostitutes:

Scarcely any of the female prisoners but have been, *O'Brien*, 2120. Many of the prisoners in Brixton prison have been, *Moran*, 4785.

Public Works:

The claims of, are greater than the convict prisons can supply, *Jebb*, 250. Employment on, was always a period proportionate to the sentence, *ib.*, 253. The prisoners on, do not associate together at meals, *ib.*, 290. More minute plan of classification on, under the Irish system than under the English, *Whitty*, 3687; very effectual, *ib.*, 3688; helps the labour, *ib.*, 3689.

Public Works Prisons:

Duties of a director of, *Gambier*, 3905. Civil guard at, *ib.*, 3940–3943. The class discharged on licence from, are principally grave offenders, *Whitty*, 4881.

Punishment:

Term and description of, should be defined by judges in sentences, *Mayne*, 1657. Manner, term, and degrees of, at Millbank, *O'Brien*, 2065–2082; at Brixton, *ib.*, 2127–2129. Remissions of, and forfeiture of remissions, *ib.*, 2132–2145. Inadequacy of any punishment to affect refractory women, *ib.*, 2112, 2127, 2164, 2166, 2169–2175. Of a period of bread and water more dreaded by some than flogging, *ib.*, 2208, 2209. Punishment diet not much regarded as a punishment; would not affect health if continued even for a month, *Guy*, 3072–3075. Its monotony the only punishment, *ib.*, 3077. Punishment should quickly follow the offence, *Gambier*, 4074, 4080–4083. Governor of prison should be empowered to inflict corporal punishment, *ib.*, 4084; for grave and heinous offences on public works, *ib.*, 4146–4150. A separate prison necessary for the worst class of offenders, *ib.*, 4152.

Ranken, William Bayne, Esq. (*Analysis of his evidence*).

Honorary secretary to the Discharged Prisoners' Aid Society, 5311. That society has been established for six years; it is composed entirely of gentlemen who take an interest in the welfare of convicts, with the exception of the paid officers, for the purpose of providing employment for discharged prisoners, 5313–5315. In carrying out the objects a blank form is sent to the governors of convict prisons, to be filled up with the cases of men desirous of obtaining assistance, 5316, 5317. Is in constant communication with Sir Joshua Jebb, 5318. 3,142 cases have been assisted in six years, of whom 131 were females from Brixton, and 188 from Fulham; the rest were males, 5319, 5320. With regard to the mode of proceeding, the governors of prisons recommend the cases, and fill up a blank form, stating various particulars relative to the nature of the crimes, length of sentence, physical capacity for labour, &c.; from these accounts a selection is made; the prisoners usually present themselves immediately on discharge, if they

Ranken, William Bayne, Esq. (Analysis of his evidence)—*cont.*
do not, an explanation is required; they generally receive a small portion of their gratuity, and they very often like to spend it in their own way before they come to the society; they are obliged to pay or to give an order that the second portion of the gratuity shall be paid to the society, and also any subsequent instalments which may become due; if the second instalment is not brought, no assistance is granted, 5321–5332. In 1857, 12 were assisted to emigrate; in 1858, 110; in 1859, 81; in 1860, 165; in 1861, 255; in 1862, 245; making a total of 868, the principal portion of whom were males, 5333–5335. The places to which they emigrate are generally recommended by the society, which is influenced in its recommendations by the comparative cost, 5336, 5337. Many letters have been received from the emigrants, and almost all of them have been satisfactory, 5338, 5339. 282 have had employment found for them, and 1,872 have been assisted in the purchase of tools, and to enter into some small business, or to enable them to return to their friends, if they occupied a respectable position in society; those for whom direct employment has been found have usually been resident in London, the remainder have been dispersed more about the country than in London, 5341-5343. Very great difficulty has been found in obtaining employment, but the great difficulty has been in inducing a person to take into his service a man who had been previously convicted, 5344–5346. Employers are always made acquainted with the antecedents of the men, but the fact of their having been convicts has usually been concealed from their fellow workmen, 5345, 5347. Has not heard of a case where any of them have lost their situations owing to the fact having been discovered, 5348. The police might be a great help to the society, but it would depend upon the way in which they managed their supervision, 5349. If all these men were without exception placed under the supervision of the police, and were called upon to report themselves regularly under certain penalties, it would be fatal to all the good cases; the men would not submit to a double supervision, 5350. Witness would prefer a system under which the society's agent should visit the men, and the police should not interfere unless he reported that they had misconducted themselves, 5351. If one of the men relapsed into crime he would be reported to the police, but as long as they conduct themselves well the less the police interfere the better, 5352–5354. The agent goes to an employer to ask him to employ a convict, in fact both the clerk and secretary, if they knew anyone among their own friends or connexions likely to employ them, would go, and members of the committee have occasionally induced large employers of labour to give work to men, 5356, 5357. The employment obtained for the men is chiefly a rough kind of work; the women are got out into service, 5358. As a rule it is only with reference to convict prisons that the society's operations are carried on; 127 cases have been entertained from borough prisons, the rest are from convict prisons, 5360, 5361. Out of the total number of 3,142 cases that have been aided good reports of 2,465 have been received; of the remaining 557 no accounts have been received; some of them may have died, but they have not been traced; this includes all the cases; those who have emigrated are assumed to have done well unless the contrary is known, 5362–5368. Since 31st of December last year 37 have emigrated, making a total of about 900,—5369. If the funds were larger more would be assisted to emigrate, and as there is a general wish among the discharged prisoners to leave the country no doubt half those annually liberated would be so disposed, 5370–5372. Very few are assisted to emigrate to Australia, but this is not at all affected by the question of transportation, but by not having money enough, 5373, 5374. If transportation were renewed to Australia, it would not interfere at all in assisting them to emigrate; they would go as free emigrants, 5375. There may be one or two cases where men have been assisted to emigrate to Western Australia, 5376. The cases of men who have been guilty of violence are not attended to unless they go abroad, 5377. The society works quite in harmony with the directors of the Government establishments; if the directors require information it is given, 5379–5380. The gratuities are paid to the society immediately on the discharge of a prisoner, as a rule, 5381–5384. The money is generally kept in hand until the second portion becomes due, but in the case of emigrants all the money is used at once; many of the emigrants are holders of licences, 5386. The means of emigrating are furnished with the full cognizance of the authorities, 5387. If necessary, something in addition to their gratuities is given to the emigrants; their outfit is procured and every arrangement is made for them, and they are seen on board here or at Liverpool, 5388, 5389. In many cases the gratuities which the prisoners earn while in prison are not sufficient to enable them to emigrate, now that they are released after three years' imprisonment; cannot explain how it is that the gratuities which they earn in Ireland, being much lower than those earned in the Government prisons in England, enable a number of them to

Ranken, William Bayne (Analysis of his evidence)—*cont.*
emigrate, 5392. There is another Prisoners' Aid Society in England, at Birmingham, which was the original one; believes that is only for borough cases and for county prisons, 5395–5397.

Recognition of convicts on re-conviction, course taken with regard to, in Ireland, *Crofton*, 3323–3344. Use of photography in, *ib.*, 3577, *Smith*, 5100.

Re-convictions:
Per-centage of, in Ireland, *Crofton*, 3378–3382, 3530–3534. In comparing number of, to that of prisoners discharged, the average of the whole country must be taken, *Moran*, 4841.

Redpath:
The services of, and of Robson have been useful in the colony, *Jebb*, 762. Status and employment of Redpath, *Kennedy*, 2618–2625.

Reformation: No complete reformation takes place even among the better class of female prisoners while at Brixton, *O'Brien*, 2247.

Refractory Women:
Inadequacy of any punishment to affect, *O'Brien*, 2112, 2127, 2164, 2166, 2169–2175. Difficulty in dealing with; stocks and isolated cells recommended, *Guy*, 3108, 3119. Actions of one, *ib.*, 3142.

Refuges for Female Convicts in Ireland, *Crofton*, 3440, 3445. Managing ladies of, obtain employment for convicts, *ib.*, 3441. A valuable adjunct to the system of prisons in Ireland, *ib.*, 3442.

Relapses of Licence Holders, *Crofton*, 3600–3614, 3618–3621.

Relief, number of persons receiving indoor and outdoor, for the last three years, *Whitty*, 4457, 4458.

Remissions of Sentences:
Nature of, intended to be granted, *Everest*, 75–85. The amount of, always depends on a man's own conduct, but the maximum should be laid down, *Jebb*, 332. A shorter remission than at present would answer the purpose for working discipline, *ib*, 333. Number of convicts released under present system, *ib.*, 336–339. The hope of, is the greatest stimulus convicts can have, *ib.*, 388. The passing of long sentences, and the power of the convict to earn considerable remission, is most efficient in promoting real industry and good conduct, *ib.*, 390, 391. A man sentenced to three years penal servitude is considered eligible for six months remission, *ib.*, 407. Men re-committed to prison receive no further remission, *ib.*, 411, 412. Difficulty of enforcing conditions endorsed on licence, *ib.*, 420. Between 1st January 1860 and August 1862, statement of, *ib.*, 536. Explanation of the rule by which prisoners may recover lost time with regard to remission of sentence, *ib.*, 538. Sixty-seven out of more than 2,000 forfeited the remission of, on account of their own misconduct, *ib.*, 943–946.

In short sentences a man is considered absolutely entitled to, for good conduct; in life sentences, no amount of good conduct will ensure it, every case for life is considered on its own merits, *Waddington*, 474. The period of remission is the result of good conduct, except in life cases, which are always kept for special consideration, *ib.*, 480, 481. There are some cases that admit of no remission, *ib.*, 484. Anything done in this question should be done by the legislature and not left to the executive, *ib.*, 486. Depends entirely upon good conduct and good report of labour, *Powell*, 1017. Report for misconduct or idleness causes forfeiture of part of, *ib.*, 1034, 1035. When convicts entitled to, *ib.*, 1041. General belief that they are greater than is the fact, *Mayne*, 1590. In three years sentences render the punishment of no effect, *ib.*, 1595. Periods of, under scale now in force, not unreasonable, *ib.*, 1694. Rule as to, in sentences for life, *ib.*, 1839–1844.

For female prisoners at Brixton, and forfeiture of, *O'Brien*, 2132–2145. Superiority of the plan adopted for the women over that for the men, *ib.*, 2149–2151. Convicts fully understand that it depends upon their good conduct to obtain, *Crofton*, 3199, 3200. The total amount of, is the same in Ireland as in England, *ib.*, 3301. The absence of, under the Penal Servitude Act, 1853, increased the difficulty of managing the convicts, *Whitty*, 3685, 3686.

Shorter remission on short sentences desirable, *Gambier*, 4158. Prisoners sentenced between 1853 and 1857 at Portland having no remission were ill-conducted, *ib.*, 4160. Cause of the outbreak at Portland, *ib.*, 4162. Admirable effect of the hope of, *ib.*, 4167. No good system of discipline without, *Organ*, 4678. Hope of earning has a wholesome effect, *ib.*, 4680. Better than gratuities, *ib.*, 4682. Beneficial effect of, *Moran*, 4763. Advantage of allowing convicts to earn, *Smith*, 4952.

Remissions of Sentences—*cont.*
For misconduct, a convict should really forfeit his remission, *Meazor*, 5574. Partial application of the present rule as to, *ib.*, 5575, 5576. Action of "V.G." and "G." on, *ib.*, 5668-5670.
Longer in Western Australia than in England, *Henderson*, 6290–6294.

Report made of the Labour of Convicts at Portsmouth, *Gambier*, 3914–3915.

Resolutions of Committee of H. C., reasons which prevented the carrying out of, *Waddington*, 425.

Returns :
Explanation of a supplementary return showing the number of male convicts released, &c. in 1862, *Whitty*, 4417 *et seq.* Of prisoners in convict prisons and county gaols and of paupers receiving indoor and outdoor relief, in the last five years, *ib.*, 4458. Manner in which certain returns were drawn out, *ib.*, 4887, 4888. Of the Dublin Prison Board, explanation of, *ib.*, 4893–4897.

Revocations of Licences :
Small number of, in latter years, *Everest*, 116–120, 138, 139. The general rule has been to revoke in all cases of conviction for fresh offences, *ib.*, 135; or on strong representations of dishonest living, *ib.*, 136. Have been always carried out in cases of re-conviction for new offences. *Waddington*, 425, 445. Secretary of State is responsible for all cases of revocation of tickets of leave, *ib.*, 492, 493. On revocation of licence for serious offences, convicts are re-sent to Mountjoy prison, *Whitty*, 4909–4913. For slight irregularities they are merely cautioned, *ib.* 4916.

Roads, employment of convicts on, in Western Australia; measurement of work done, *Henderson*, 6162.

Roads and Bridges made and built by convict labour in Western Australia, *Kennedy*, 2310–2313.

Robbery, increase of, with violence in 1862, *Mayne*, 1516.

Robson. *See* Redpath.

Roman Catholic Prisoners :
Chaplain can visit Catholic prisoners, *Powell*, 1358. Prisoners receive only secular instruction with the others, *ib.*, 1404. Are constantly changing their religion for the purpose of being moved to another prison, *Gambier*, 4215.

Royal Engineers' Department, officers of, superintend the work done by convicts at Spike Island, *Whitty*, 3755.

Sanford, Major Henry Ayshford (*Analysis of his evidence*):
First senior assistant superintendent of road parties in Western Australia; went there in 1851 and left in 1857, and is well acquainted with the northern parts of the colony, 2752–2756. The conduct of ticket-of-leave men and expirees, as also of conditional-pardon men, is generally very good, 2758. States the various mineral resources of the colony which remain undeveloped from want of capital and labour, and because of bad roads; their richness, yield, and locality, 2761–2773. An increased number of ticket-of-leave men would be a great boon to the colony, 2774. A good part of the labour done has been executed by ticket-of-leave men, superintended by free settlers, 2775. The timber trade from Australia has stopped, partly from lack of labour, and partly from the want of the proper kind of labour, 2778–2780. From 1,000 to 1,500 ticket-of-leave holders could be employed easily in Western Australia in the first instance, and a very large increase from year to year as the resources of the country become more developed, which would go on for a considerable number of years, 2784, 2785. Describes the quality of the soil of Western Australia, its timber, herbage, vine, wheat, and olive growing properties, 2787–2816. Prior to 1851 the colony was in a very languishing condition, and most of the settlers believe that it could not have been maintained had convicts not been sent there; the discovery of gold diggings alone prevented all the population from leaving who could have left, 2817–2821. When convicts first arrived the colony was not able to produce food enough for the increased number consequent upon transportation, but imported from South Australia; there is a slight import now, and will be for a few years, from the large quantity of corn grown in Adelaide, which is exchanged for timber, 2822–2824. Large increase in the extent of lands under cultivation since 1857–2824, 2825. Progress of the colony has been checked by the uncertainty which existed as to the continuance of transportation, 2826. If transportation were to become permanent, many would go out from this country to avail themselves of convict labour, 2827–2830. The wish among the colonists that convicts should be sent out is unani-

Sanford, Major Henry Ayshford (Analysis of his evidence)—*cont.*
mous; though at the commencement there were some who questioned the result, experience has led them to the conclusion that convict labour is most valuable, 2831–2834. The total population of Western Australia is 17,000, but it is very much scattered; there are only three or four towns, 2835–2837. Holders of tickets of leave are restricted to a certain district, only selected men having tickets of leave for the larger towns, 2838, 2839. The men sent out should be able-bodied, with long sentences, so that their probation work on the roads and bridges should extend to 18 months or two years, 2842–2846. States particulars relating to a memorial to the Duke of Newcastle in 1860, from owners of property and others connected with Western Australia, 2847–2860, 3145, 3146.

Savings Banks wanted in Western Australia, *Pownall*, 6390.

School; Schooling; Schoolmasters:
It would be better if there were no schooling on public works, it does little good, *Gambier*, 4373, 4374. If in the evening would be of no advantage to the prisoner, *ib.*, 4383. Evening school at Spike Island, *Whitty*, 4471–4483. Staff of schoolmasters at Chatham; are not well qualified for their work, *Measor*, 5480–5483. Little effort made by schoolmasters, *ib.*, 5589. Prisoners derive very little benefit from schooling, *ib.*, 5590–5592. Schools should be more under the authority of the governor, *ib.*, 5657–5659. Schoolmasters should be independent of the chaplain, *ib.*, 5767–5769. Numbers and salaries of schoolmasters at Chatham, *ib.*, 5793–5795.

Scotch Prisons:
Dietary of, certified by Lord Palmerston, *Smith*, 4971. Quality of bread used for punishment diet in, *ib.*, 4975, 4976. Punishment in, for prison offences, *ib.*, 4975–4983.

Scotland:
Male convict prisons in, but recent, *Smith*, 4953. Bad effects of removing convicts from, to English prisons, *ib.*, 4955. Police supervision in, might be more simple than that pursued in Ireland, *ib.*, 4959.

Seamen, the scale of diet for, compared with that for Millbank and Pentonville prisons, *Guy*, 3011, 3012.

Secretary of State is responsible for all cases of revocation of tickets of leave, *Waddington*, 492, 493.

Selection:
Of convicts for transportation; instructions for guidance, and practice, in making the selection, *Gambier*, 4240–4254, 4327. The re-convicted men, those selected for transportation, are the class most likely to relapse into crime if released at home, *ib.*, 4390–4392. Routine of, of men for transportation, *ib.*, 4399–4405. Of convicts to be sent to Western Australia, *Whitty*, 4462–4469. Of convicts for transportation, who were most unfit for liberation at home, *Measor*, 5564–5566, 5593–5598, 5736–5739.

Sentence of Bread and Water, inability of director to inflict, without sanction of medical officer, *Gambier*, 3955.

Sentences:
A more severe sentence is passed in all cases of proved previous conviction, *Everest*, 216. In 1862 there were 1,145 sentences to penal servitude for three years, *ib.*, 218. Variety of, by different judges, *Mayne*, 1659; mode of remedying, *ib.*, 1663. Great variety of, passed by different judges for like offences, *Gurney*, 1867–1871; *Avory*, 1910–1914. Appeals for mercy after, more numerous than ever, *Gurney*, 1870, 1871. Severity of, has decreased during the last 20 years, *Avory*, 1903–1905. Act of 1857 did not check the decrease in the severity of, *ib.*, 1906. 1907. Variation in, passed by different judges for like offences, *ib.*, 1910–1914. Short sentences are not applicable for transportation; the shortest, for transportation, should be seven years, *Kennedy*, 2628–2630. Heavier sentences passed on re-convicted prisoners for slighter offences, *Crofton*, 3393. The increase in sentences to penal servitude does not show an increase in the criminal classes, *ib.*, 3401. If the sentences were made longer the same number of convicts could not be contained in the present prisons, *Gambier*, 4180. Have been much shorter within the last few years, *Moran*, 4852. Short sentences do not reform or deter, *ib.*, 4853. In Edinburgh, have generally become shorter, but re-convicted have had longer, *Smith*, 5063, 5064.
See also Long Sentences. Short Sentences.

Sentences, Remission of. *See* Remission of Sentences.

Separate Cells:
At Portland, 30 of stone; at Chatham, 30 of brick, *Jebb*, 810. Used for the punishment of three days bread and water, *ib.*, 811; in South Australia, *Newland*, 2946–2948. More requisite in a public works prison; cells at Philipstown arranged by Capt. Whitty, *Measor*, 5645–5647.

Separate Confinement:
The first stage of imprisonment, *Jebb*, 243, 244. Continues for nine months irrespective of the total amount of the sentence, but is sometimes infringed upon, *ib.*, 250–253. The original period was 18 months, which was found by experience to be too long, *ib.*, 254–256. Educated prisoners prefer separate confinement to association with bad characters, while burglars or the reckless bad dread it, *ib.*, 259. Description of, *ib.*, 260–271. The prisoners must be furnished with employment during, *ib.*, 275–277. Treatment of prisoners, during the term of, is exactly the same in different gaols, *ib.*, 278–281. The period of separate confinement is the most reformatory of the whole term of imprisonment, *ib.*, 283. Witness thinks it would not be advisable to subject the prisoners to an additional period before discharge, unless for very short periods, *ib.*, 285–289. Serious physical effects resulting from discharging men immediately after a long period of separate confinement, *ib.*, 295–299. Would prefer to extend the period from nine months to 12, *ib.*, 318, 319. The system of discipline laid down in 1848 is not adapted for short sentences; it was framed in connexion with transportation, *ib.*, 321. The term of separate confinement is both penal and reformatory; but when imposed in full for short sentences encroaches too much on the time allotted for public works, *ib.*, 322–325. Witness would make the discipline more stringent after the period of, in the cases of short sentences; recommendation of a system for such, *ib.*, 326–328. There are some modified rewards for good conduct and industry during the stage of separate confinement, *ib.*, 369–372. Separate confinement does not admit of much variety of conduct; the men go on steadily, except as to industry, *ib.*, 373. It is not legal to withhold employment during, as it would then become solitary confinement, which may not be continued for more than 28 days at a time, nor for more than thrice in 12 months, *ib.*, 375–378. The diet during, is regulated by the Secretary of State; much care was taken in fixing it, *ib.*, 378–381. Cannot be made more deterring than it is, *ib.*, 834. A short period of, preferable, previous to the release of a man from prison, *ib.*, 896–898.
Prisoners should be brought into, previous to their discharge, *O'Brien*, 2250, 2251. A period of nine months, at first, is considered the theory, but in practice it is much departed from, *ib.*, 2291–2293. Statement of the effects of, on the minds of prisoners, *Guy*, 3090. Treatment of prisoners during, under the Irish system, *Whitty*, 3687. No undue depressing effect produced by, in Ireland, *ib.*, 3857. Maximum period of, *ib.*, 3859. Reduction of period for, *ib.*, 3860–3864. All convicts should pass their last three months in, *Gambier*, 4355. Objections to; it decreases the physical energies of a man, and cannot be turned to profitable account; term of, should be reduced; depressing effect of, *Measor*, 5499–5501. Practically limited to three months, *ib.*, 5587. A great punishment to send back prisoners to, *ib.*, 5711.

Separate System only partly adopted in Brixton prison, *Moran*, 4758.

Settlement, land suitable for, and for employment of convict labour, *Henderson*, 6149–6152.

Sheep Breeding limited in Western Australia, *Henderson*, 6196.

Sheep Stealing:
Decrease of, in Western Circuit, *Gurney*, 1863. Increase in numbers convicted for, in Ireland, attributable to distress, *Crofton*, 3468–3470.

Sheriffs (Scotland) try nearly half the prisoners committed for trial, *Smith*, 5050–5052.

Ships:
Different arrangement of, for emigrants and convicts, *Gambier*, 4368, 4369.
See also Convict Ships. "Lord Palmerston."

Short Sentences:
No hope for reformation of prisoners under, *Crofton*, 3573. The shortest sentence for old offenders should be for seven years, *ib.*, 3575. Intention of the Act of 1857 with regard to, *ib.*, 3577. The Irish system is not fitted to deal with, *ib.*, 3616. Number of, passed in 1862, *ib.*, 3642. Reasons for objecting to, *ib.*, 3645–3648. Great number of, passed in England, *ib.*, 3649, 3650. Difficulty arising from, *Whitty*, 3799, 3803. Three years penal servitude not enough for training the men, or for deterring effect, *ib.*, 3803. Number of, passed in the last three

Short Sentences—*cont.*
years, *ib.*, 4455. Nearly five to one, or four out of six of prisoners who received, in Ireland, relapse, *Organ*, 4513, 4514. Long sentences produce better results than, *ib.*, 4516. Most objectionable, *ib.*, 4672, 4673, 4679. Do not reform or deter, *Moran*, 4853. Men under, should not be sent to Western Australia, *Henderson*, 6305–6311.

Silent System, adopted at Holloway, *Weatherhead*, 5198. Dreaded by convicts, *ib.*, 5209.

Smith, Mr. John (*Analysis of his evidence*):

Governor of Edinburgh prison for 22 years, 4945, 4946. Among the convicts re-committed to Edinburgh prison who had undergone penal servitude during the last eight years, one or two instances only occurred where the men said they dreaded penal servitude; the convicts repeatedly say that an English convict prison is not only more comfortable than a Scotch county prison, but greatly more comfortable than a Scotch workhouse; returned convicts always grumble until they are removed to the convict prisons, 4947. The accounts given of penal servitude by returned convicts, except as to the few months of separate confinement, do not render it formidable to the criminal classes; they boast that the labour is light, and the dietary abundant and good; the latter is not only much superior to that of Scotch county prisons and poor houses, but far superior to that which honest labourers or mechanics can possibly procure, 4948, 4961. The return of habitual thieves to their native counties after penal servitude is most injurious; many return much worse than they were sent away; such returned convicts exercise a great and pernicious influence on the young, 4949. With regard to the desire of convicts to quit their criminal courses, habitual thieves appear to go at once to their old haunts; competition is so great that the convict who wishes to do well is placed at a disadvantage, he has to contend against superior skill and character, and he has also against him the wholesome dislike which the honest labouring poor have to being associated with criminals; the great want, however, is want of will to do well, 4950. Police supervision, carried out prudently and judiciously, would not necessarily increase the difficulty of convicts obtaining employment; the superintendence might cease as regards any well-disposed among them at a reasonably long period, 4951. Advantage of enabling convicts to earn a remission of a portion of their sentences by good conduct, tested by unremitting and continuous labour; marks for mere good conduct are perfectly fallacious, 4952. Until very recently there were no male convict prisons in Scotland, 4953, 4954. There should be a male convict prison in Scotland, and the prisoners be kept apart from English convicts; reasons for this, 4955. The dietary for convicts under sentence of penal servitude being superior to that of those sentenced merely to imprisonment make it very objectionable that the two classes should be mixed together in the general prison at Perth; the diet might be assimilated, 4956–4958. The system of police supervision might be more simple in Scotland than as now in Ireland; where towns are comparatively small, it is not necessary that a prisoner under a ticket of leave should report himself every month; the condition that he should report himself when be changed from one town to another might be sufficient in the small towns of Scotland; a prisoner going from Edinburgh to Glasgow should report himself to the police before he did so, but it is not necessary that he should report himself every month while in Edinburgh, 4959, 4960. The diet in English prisons is greater in quantity and of a superior quality to that in Scotch prisons, 4962. Breakfast in Scotch prisons consists of oatmeal porridge, dinner of bread and soup, made from barley and two ounces of bullock's head per man; there are three rates of diet; the first equivalent to 24 ounces of wheaten bread per day; the second to 30 ounces; and the third to 36 ounces; the reason for having three rates of diet is the length of the sentence, the longer the sentence the higher the rate of diet, 4963–4966. The health of convicts under the minimum diet is not injured, 4967. Men sentenced to hard labour (which consists of turning the crank or picking oakum) have the second rate of diet, 4968–4970. The dietary of Scottish prisons, certified in 1854 by Lord Palmerston, is for untried prisoners the second rate of diet; persons imprisoned for more than three days, and not exceeding two months, and not employed at hard labour, the first or lowest rate of diet, unless in any special case the governor and surgeon shall be of opinion that a higher rate is necessary; every prisoner shall be weighed at the date of committal under sentence, and his weight recorded, and again at the end of a fortnight, when the governor and surgeon shall consider whether the first or lowest rate of diet be sufficient, particular attention being paid to the large-bodied men and lads between 16 and 20, and those previously accustomed to ample food and active em-

Smith, Mr. John (Analysis of his evidence)—*cont.*
ployment in the open air; prisoners under sentence of imprisonment for two months, and not exceeding six months, and not employed at hard labour, the second rate of diet; persons imprisoned for more than six months, and not employed at hard labour, the third rate of diet, 4971. Prisoners dislike the lower rate of diet, 4974. Prisoners under punishment for prison offences are put on 1 lb. of seconds bread with water per day for not more than three days; where the period exceeds three days, they have gruel at each meal; they may also be confined in a dark cell, and, if necessary, irons; the men are not flogged, there being no power to inflict corporal punishment, 4975–4982, 5006, 5038, 5039. Prisoners are most affected by the dietary, 4983. The crank is not very largely resorted to, 4984. In the event of a sentence to hard labour, the governor and surgeon, according to the physical power of the convict, decide whether that hard labour shall be at the crank or at picking oakum, 4985, 4986. Labour at the crank is regulated by a given number of turns per day, the weight of the crank varying according to the physical power of the prisoner, 4987–4990. Labour at the crank is irksome and the men dislike it, and its being unproductive adds to the dislike, 4991–4995. There are at the present time from 300 to 400 in Edinburgh gaol, which is a local prison for all offences short of penal servitude, 4996–4998. Prisoners sentenced to nine months and upwards are removed to the general prison at Perth; soldiers sentenced by courts-martial are not sent to the general prison, but remain at Edinburgh for two years, and are there subject to the same system of discipline as civilians, 4999–5003. The separate system is only partially carried out in Edinburgh prison, as there is not sufficient accommodation; when there are 400 in prison 300 are generally in complete separation, 5004, 5009. Bread and water as a punishment is much disliked by convicts, 5005. The power to flog ought to exist in Scotch as it does in English prisons, 5008. The cranks are fixed in the cells so that men in separate confinement can work at them, 5010. In 1862, 54 returned convicts were re-committed to the prison of Edinburgh who had undergone penal servitude or transportation; details of the cases of the 54 convicts, 5013–5016, 5101–5143. The number previously sentenced to penal servitude, and re-committed in 1862, is not materially different from the number of several years before, probably it is slightly cumulative, for year after year there would be a greater number of these men at large, 5020, 5021. During the past year 56 were sentenced in Edinburgh to penal servitude, of whom 27 per cent. were returned convicts; the others were for theft, but with short sentences, 5023–5028. States the antecedents of 54 convicts (27 males and 27 females) who returned to Edinburgh prison, the offences of which they were re-convicted, the sentences on re-conviction, and the annual number passing through Edinburgh prison, 5029–5037, 5111. Penal-servitude men who are re-convicted stay but a short time in Edinburgh prison, recently they have been sent to Perth, but formerly they remained at Edinburgh until they were sent to the prisons in England, having the ordinary diet of the prison, 5040–5042. No meat is allowed in any of the Scotch prisons except in the shape of soup, whatever the length of the imprisonment may be, 5043–5045. Two years is the longest sentence the sheriff with a jury can give in Scotland, 5046. The principal criminal court in Scotland is the High Court of Justiciary, then the Circuit Court, which is the same as the High Court in authority, but not held in Edinburgh; next the sheriff with a jury, and then the sheriff without a jury, 5047–5049. The sheriffs with and without a jury try nearly one half of the prisoners committed for trial, 5050–5053. Re-convicted persons not sentenced to penal servitude are numerous in Scotland; even the Scotch diet does not deter them, 5054, 5055. Agricultural labourers in Scotland very seldom get any meat at all, therefore the diet of the English prisons would be a greater change in favour of a Scotch convict than in the case of a convict accustomed to meat as his ordinary diet, 5057, 5058. Scotch convicts discharged in England upon ticket of leave, or at the expiration of their sentences, generally return to Scotland; very few remain in England, 5059. In Scotland of late years there has been a large diminution of committals to prison in the smaller classes of crime, but in serious offences there has not been much, 5060. During the last 10 years there have been about 60 every year sentenced to penal servitude in Edinburgh, 5061, 5062. The length of the sentences have generally become shorter, but re-convicted men have mostly had longer sentences, 5063, 5064. Men sentenced to 14 or 15 years penal servitude did not appear to dread very much even a long sentence, 5066–5068. There have been some robberies with violence committed in Edinburgh not very long ago, one of which was by an old convict, 5070–5071. Convicts who return to Edinburgh are generally well known to the police, who keep a look out after them when they find that they

Smith, Mr. John (Analysis of his evidence)—*cont.*
are consorting again with their former associates or with people of the same class, 5072, 5073. A good many of them obtain employment in Edinburgh, but a great number of them do not appear to seek after it, 5074. Cannot state the per-centage of re-commitments in Edinburgh prison, but such returns are made up every year; it probably exceeds 40 per cent. The high per-centage may be accounted for in one way by the number of short sentences for street offences, drunkenness, assaults, and petty thefts, 5075–5083. After several convictions of petty theft the sentence is only to imprisonment for short periods, 5084. In the case of occasional thieves, persons who steal under the influence of intoxicating liquor, sentences for longer periods would be of very little advantage; they would be kept sober during the imprisonment, but many of them would again fall into the same habits, 5085, 5086. There is always in Edinburgh a class of professional thieves; whenever it is ascertained by three or four convictions that a person belongs to that class, he should be removed for a considerable time by a long sentence, which, in the present state of the law, is not always the case, 5087–5089. From several causes a large number is always in the prison of Edinburgh and in similar large prisons, who are not known, and who have been convicts in some other place, 5091, 5092. The number of English offenders in the prison of Edinburgh is not very large; there are no English penal-servitude men there, 5093, 5146. It is exceedingly desirable that some means should be adopted by which those who have been previously convicted might be recognized; some better plan than that now in use might be adopted by sending a return to all the police stations and to all prisons on the discharge of the men; a full description, with photographs, being furnished from one prison would enable the governor of another prison to recognize a criminal, which would be a great advantage, and would be useful in guiding the courts in awarding punishments to criminals brought before them, 5094–5100. As many women are committed as men to the prison of Edinburgh, 5112–5114. Every case where holders of tickets of leave are known to come into Edinburgh prison is reported to the Home Office, 5123, 5124. There is a good number of Irish convicts in Edinburgh prison under short sentences, but no Irish or English penal-servitude convicts, 5144–5147. The power to flog should exist in the Scotch prisons, but it is not looked upon as a very desirable sort of punishment in Scotland, 5148, 5149. Except for juveniles, it does not exist at all in Scotland; there does not appear to be any difficulty as to the whipping of boys, who are punished with a birch rod on their posteriors, 5150, 5151.

Smithfield Prison:
Intermediate, under the Irish system, *Jebb*, 621, 629. Accommodation and diet at, *ib.*, 633, 634. Instruction given at, *ib.*, 635. Gratuities earned at, *ib.*, 639, 640. Emigration promoted at, *ib.*, 641–643. Description of; number of prisoners in, *Crofton*, 3236, 3238. The first intermediate prison opened, in Nov. 1855, *ib.*, 3265. Treatment of prisoners at, *ib.*, 3267–3269. Mode of spending their gratuities, *ib.*, 3269–3273, 3276–3283. Number of licence holders released from; of those emigrated, relapsed, &c., *ib.*, 3598–3600, 3602–3608. Under supervision, relapsed, &c., 3611, 3613. Dietary at, *ib.*, 3740–3742. Number of men gone to England after discharge from, *ib.*, 4431; record kept at, of applications to go there, *ib.*, 4434. As to allowance of meat at, *Whitty*, 4470. Subjects of lectures at, *Organ*, 4489, 4539. Period during which prisoners attend lectures at, *ib.*, 4558, 4559. Competitive examinations are held at, weekly, *ib.*, 4586.

Société de Patronage (France):
Society similar to, proposed for supervision of discharged prisoners, *Moran*, 4824. Quite independent of the Government, but sanctioned by it, *ib.*, 4825, 4826.

Society, tone of, in Western Australia, not affected by the penal establishment, *Pownall*, 6379.

Soldiers, the scale of diet for, compared with that for Millbank and Pentonville prisons, *Guy*, 3011, 3012.

South Australia:
Number of commitments, convictions, and population of, in 1855 and 1861, *Newland*, 2923–2929. Treatment of convicts in, *ib.*, 2931. No tickets of leave in, *ib.*, 2934. Criminals from Western Australia hunted out of, by the Anti-convict Act, *ib.*, 2938, 2939. Expense of police and gaols in, *ib.*, 2930. Population of, *ib.*, 2928; of Adelaide, *ib.*, 2944, 2945.

Southsea Common, work done by convicts at, *Gambier*, 3908, 3921–3932.

Special Service Men:
Where increased liberty is given to, care is taken that they work separately; are less liable to abuse their liberty, because their all depends on their good conduct, *Jebb*, 677–679. Witness would not trust, if facilities for escape existed, *ib.*, 935–939. The institution of a class of, would not be valued as a test, and would be inexpedient, *ib.*, 940–942.

Spike Island: Spike Island Prison:
System pursued at Spike Island prison similar to Portland and Chatham; system of marks at; too much association at, *Jebb*, 617–623. Ratio of detention at, *ib.*, 629, 630. Admirable schools at; moral training and school instruction greater at, than at Lusk, *ib.*, 899. No account kept of the quantity of work done at Spike Island or its value, *ib.*, 900. Nature of the work done at, *ib.*, 902. Disposal of prisoners in second stage at Spike Island prison; system of marks pursued in, *Crofton*, 3172–3176. Four classes in the stage at, *ib.*, 3178. Treatment of dangerous characters at, *ib.*, 3186–3188. Number of prisoners at, *ib.*, 3207. Separation of classes, diet, and indifferent state of buildings at, *ib.*, 3219–3229. Work enough at Spike Island for five years, *ib.*, 3418. Prisoners at, kept separate from free labourers, *ib.*, 3419. The establishment, &c., at, could be easily moved, *ib.*, 3423. Number of licence holders released from, of those emigrated and relapsed, *ib.*, 3601, 3602. Classification at, an assistance to the labour for public works; accommodation for classification at, *Whitty*, 3690–3694. Gratuities to prisoners at, *ib.*, 3695. Dietary at, *ib.*, 3720–3737. Penal and probation labour classes at, not meat in dietaries of, *ib.*, 3723. Diet at, quite sufficient, *ib.*, 3732. Measurement and valuation of the work done by convicts at, *ib.*, 3754–3765. Barracks at, built by convict labour; a military station, *ib.*, 3775. Number of warders at, much the same as at Portland, *ib.*, 3776. Use of marks and "V. G." and "G." at, *ib.*, 3850–3855. As to allowance of meat at, *ib.*, 4470. Evening school at, *ib.*, 4471–4483.

St. Mary's Island (Chatham), nature and estimation of convicts' labour at, *Gambier*, 4194–4198.

Stages of Imprisonment:
Separate confinement, and three others, *Jebb*, 243–249. Different stages and descriptions of discipline equalize punishment, which no one kind will do, *ib.*, 259. Time of sentence, after separate confinement, divided into, *ib.*, 382. Gratuities given in each stage in proportion to industry, *ib.*, 386, 387. Classification of, apparently complicated, but well understood by the men, *ib.*, 391. Severity of punishment in the first stage in the Irish prisons, *Crofton*, 3159, 3160. Depressing effect of the first stage, *ib.*, 3162. Disposal of prisoners in the second stage; their position governed by the marks they obtain, *ib.*, 3172, 3173. Four classes in the stage at Spike Island, *ib.*, 3178.

Stirling Castle Hulk:
A depôt for convicts sent from Bermuda and Gibraltar, *Measor*, 5405. Convicts on board slept in hammocks; supervision of the men, *ib.*, 5626–5628.

Stocks:
Proposed as a punishment for refractory prisoners, *O'Brien*, 2127–2129. Recommended for refractory women, *Guy*, 3108, 3119.

Subdivision of Prisons:
Convicts are kept in too large bodies; a large establishment as at Chatham might be subdivided so as break up the convicts into smaller bodies, to advantage, *Measor*, 5620–5624, 5630–5636.

Summary Convictions:
Repetition of offences, punishable by, should be made indictable, *Mayne*, 1763. In case of stealing from the person, *ib.*, 1768–1772.

Sundays, the time of exercise on, is the worst period the governors of prisons have to contend against, *Jebb*, 292.

Supervision by Police:
Would generally prevent convicts obtaining employment, *Davis*, 1971. Men should be specially selected for the duty, *ib.*, 1983. Should be similar in plan to that adopted in Ireland, *Mayne*, 1631. Should be regulated by law, *ib.*, 1637, 1642. Of very little use if short sentences be inflicted, *ib.*, 1644. Should extend to men whose sentences had expired, *ib.*, 1648. Effect of, *ib.*, 1686. Present system incompatible with, *ib.*, 1686. To be effectual, must be general, *ib.*, 1687. In rural districts, *ib.*, 1688. In London, *ib.*, 1689. Would prevent men getting employment, *ib.*, 1694.

Supervision by Police—*cont.*

Supervision by the police after liberation, a great point of the difference between Irish and English prisons; reasons for its institution, *Crofton*, 3151. Explanation of the manner in which prisoners released on tickets of leave are subjected to, in Dublin, *ib.*, 3302. Mr. Organ's steps with regard to, *ib.*, 3303. Number of men under his supervision, *ib.*, 3305, 3313. Assistance rendered in supervision by the Dublin detectives, *ib.*, 3306, 3307. Men under, breaking the conditions of their licence, always re-apprehended, *ib.*, 3318. Method of supervision over ticket-of-leave men in the country, *ib.*, 3347–3351. Complaints respecting, *ib.*, 3349. Is a great protection to the public in Ireland, *ib.*, 3352. Not so efficient in the country as in Dublin, *ib.*, 3355. Should be conducted by an officer especially appointed for the purpose, *ib.*, 3356. Under a system there would be less espionage than there is without, *ib.*, 3356. Is a means of knowing what the convicts are really doing, *ib.*, 3361. Difficult to maintain in Ireland, if the convicts are free from it in England, *ib.*, 3459. Complaints respecting, *ib.*, 3460, 3461. Convicts under, "gone abroad," *ib.*, 3516–3518. Supervision of convicts by the police, how exercised, *ib.*, 3521–3526. In Dublin more strict than in the country, *ib.*, 3609, 3611. Numbers of prisoners under, *ib.*, 3611, 3613, 3628. Should be continued after the expiration of the sentence, *ib.*, 3647. Date of commencement of, in Ireland, *ib.*, 3654, 3656.

Of discharged convicts, want of, in England, *Whitty*, 3684. Under the Irish system, advantage of, *ib.*, 3780. Number of ticket-of-leave holders under Mr. Organ's, *ib.*, 3781–3783. The system can be extended, *ib.*, 3784, 3785. By the police in Dublin and in the country, *ib.*, 3786–3790. Number of men under, in Ireland in 1862; men not under, *ib.*, 4417, 4423. Nature of the supervision of discharged prisoners in Dublin, *Organ*, 4491, 4498, 4501. Continues after the sentence has expired, *ib.*, 4573. Not exercised in Dublin, except in suspicious cases, *Organ*, 4528. Goes on very well, *ib.*, 4700. Could not be worked well without aiding the men as is now done, *ib.*, 4703. A special agency, like that of Prisoners' Aid Society, would be advantageous, *Moran*, 4817. The best mode of, would be a voluntary society recognized by Government, *ib.*, 4818. Not desirable, *ib.*, 4815. Opinion of M. Béranger as to, *ib.*, 4829. No test of prison discipline, *ib.*, 4847. Prisoners look upon the police with suspicion, and to men in work, would be dangerous, *ib.*, 4848. Old offenders might be put under, *ib.*, 4850. First offenders should not be placed under, *ib.*, 4871. If carried out judiciously, would not prevent convicts obtaining employment; might cease as regards well-disposed convicts after a certain time, *Smith*, 4951. Might be more simple in Scotland than the system now pursued in Ireland, *ib.*, 4959. Would be fatal to the operations of the Prisoners' Aid Society, *Ranken*, 5350. Police supervision might not be universal, would not interfere with the convict's means of obtaining employment, *Measor*, 5583–5585.

See also Surveillance.

Supervision:

Of work done by convicts insufficient, *Measor*, 5440–5444. By the chief warder of the principal warders, *ib.*, 5446. No effective supervision can be exercised over dockyard labour done by convicts, *ib.*, 5460.

Surveillance:

Of ticket-of-leave holders, if introduced into this country, should be by Act of Parliament, *Waddington*, 430. The system has been in force in the colonies, but would not do in this country; witness would not exercise it as an act of the executive, *ib.*, 431-436. Surveillance is not imposed by the Secretary of State; it was laid down as a condition for a ticket of leave, but has been acted on in only a few cases, *ib.*, 437-442. Reason why it has not been observed, *ib.*, 443, 444. It is a serious question whether a system of, would be advantageous to the convicts or the public; it has been discussed in France, and the result is in the negative, *ib.*, 449. In England, surveillance would have little effect in keeping convicts to a particular place, *ib.*, 452. Without any system of, the police have a fair knowledge of all ticket-of-leave holders, and they can always furnish any information required by the Home Office, *ib.*, 455-458. Ticket-of-leave holders under, would not be assisted by it in obtaining employment, *Jebb*, 528-530. Of ticket-of-leave holders by the police would have a bad effect; was tried in France for 50 years with disastrous effects; is condemned by all thinking men, but still stands part of the Code, *ib.*, 803. Is a part of the sentence in France; opinions of Béranger and Baron Holtzendorff as to the evils of, *ib.*, 804, 805. *Moran*, 4829. A closer supervision should be exercised over the ill-doers, but it would be a great obstacle to those endeavouring to do well, *Jebb*, 806, 807. Officers, specially suitable, should have the supervision of ticket-of-leave men, acting under certain regulations, when under the convict department, such as is now going on imperfectly under the

Surveillance—*cont.*
supervision of the Prisoners' Aid Society, *ib.*, 915, 916. Little objection to, in rural districts; in the neighbourhood of towns it would operate badly, *ib.*, 927, 928. Atrocious criminals and those whose conduct gave no hope of amendment should be placed under close supervision, *ib.*, 928. Would be no check to the evil propensities of a man subject to temptation, *ib.*, 929. No objection to a special agent for, even in London, *ib.*, 930.
See also Supervision by Police.

Task Work:
Impossible: often thought of, but rejected; would derange the whole system of public works; it is found by experience better not to make special selections on account of physical strength, *Jebb*, 392, 393. Difficulty of applying a system of, to convicts in Government prisons, *ib.*, 404, 693. Success of the practice of, in Western Australia; applied to gangs, not to individuals; instructions to Sir Wm. Denison with regard to, *ib.*, 697. Reports of Sir William as to the satisfactory working of the system; notwithstanding, though not impossible, it would be difficult at home, and the advantage doubtful, *ib.*, 698. It can only be applied to gangs, or constant jealousies would arise, *ib.*, 702. Would be impracticable with convicts, *Gambier*, 4033-4035. Measuring convicts' labour by, preferable if practicable, *ib.*, 4187-4193.

Temptation, absence of, in Western Australia, cause of the good conduct of convicts, *Pownall*, 6400.

Thieves:
In London are under the direction of ticket-of-leave men, *Davis*, 1955, 1956. A large class of professional, in Edinburgh, *Smith*, 5087.

Ticket-of-leave Holders:
More re-convicted than are known to be such; there is no mode of finding out that a convict holds a ticket of leave, if he is disposed to conceal the fact, *Everest*, 124–126. There is no organized system in operation by which the re-convicted can be known, it depends entirely on their recognition by the police or by individuals, *ib.*, 206–209. A considerable number are re-convicted without detection, *ib.*, 211. The number of re-convictions has rather decreased lately, *ib.*, 212. When re-convicted, are deprived of the benefit of remission of sentence, although his being such was not discovered till after the trial; he has no opportunity of controverting the fact, which is taken entirely on ex-parte statement, *ib.*, 222–224. Four were re-convicted out of 27 convicted by Baron Bramwell at the Central Criminal Court, in November last, *ib.*, 227–233.
Are not required to confine themselves to a particular part of the country, and away from great towns, *Waddington*, 427–429. Have never been required to report themselves periodically to the police, *ib.*, 430. Have been subject to the surveillance of the police in the colonies, but the system would not do in England, *ib.*, 432–436. The resolution of Committee of H. C. "that every convict on being released with "a ticket of leave, should be reported to the police of the place to which he is "sent," has been systematically disregarded; it has been carried out in Ireland, except in Dublin, *ib.*, 447, 448. It is impossible, in the absence of any supervision of ticket-of-leave men, that an accurate knowledge of what they are doing can come to the knowledge of the Home Office, but the police find them out, and can always furnish an account of them, *ib.*, 454–457. Cases of re-conviction or misconduct of, depend entirely on the discretion of individuals for being brought to notice, *ib.*, 498–502. No facility is afforded by the Home Office for the discovery of, by prison authorities, *ib.*, 508–512. Correspondence is made by prison authorities as to prospects and likelihood of employment before a ticket of leave is granted, *ib.*, 513. Must apply to some police station, and give an account of themselves before they receive the second portion of the gratuities paid to them, *ib.*, 516.
If put under the surveillance of the police would not be assisted in procuring employment, *Jebb*, 528, 529. Numbers of, who have returned to the convict prisons, with the time of receipt of licence and the time of return to prison; also, the number of those discharged on licence after the usual time, and detained longer in prison for misconduct, *ib.*, 532–537. Rule by which they may recover time lost by misconduct, *ib.*, 538. Large numbers of, become reformed, *Davis*, 1927. Garotte robberies committed under leadership of, *ib.*, 1936. Thieves of London under the direction of, *ib.*, 1955. From 1,000 to 1,500 additional, might be now employed in Western Australia, *Sanford*, 2784. There is no law to prevent them passing from Ireland to England or Scotland, *Crofton*, 3520. A record kept in the Convict Department in Ireland of such, absent without leave, *ib.*, 3527. Percentage of, returned to convict prisons, *ib.*, 3530.

Ticket-of-leave Holders—*cont.*

Employment of, in Western Australia, *Henderson*, 6236–6241, 6321–6324. Hindrances to, leaving the colony, *ib.*, 6245–6254; relief of, out of work, *ib.*, 6238, 6334–6336.

Tickets of Leave:

Introduction of, made legal, and applied to persons under sentence of transportation, *Everest*, 36. Granted sooner than pardons had been granted formerly, *ib.*, 38. A man recently released on licence who had been confined for 15 years, *ib.*, 59. All prisoners since the Act of 1853 have been released on, *ib.*, 67. Conditions endorsed on, one carried out, one neglected; reasons for such neglect, *Waddington*, 425. Licences have not been generally revoked on a mere ex-parte statement of the police; revocation of a licence is a severer sentence than any that can be passed by a magistrate on summary conviction; no investigation, and no means for a prisoner to answer, in the case of a revocation of licence, *ib.*, 425. Would be revoked in cases of re-conviction, *ib.*, 426. Invariably revoked in all cases of re-conviction for crime, *ib.*, 487. The outcry against granting, had the effect of raising considerably the per-centage of men re-convicted, *Jebb*, 535. Recommendation for, at Chatham depends upon the entry in warder's book, *Powell*, 1013. None granted from 1853 to 1857 to short-sentenced men, *Mayne*, 1585. Holders of, in London nearly all short-sentenced men, *ib.*, 1588. Holders of, not pointed out by police to beerhouse-keepers, *ib.*, 1625. Conditions of, in Ireland more stringent than in England, *ib.*, 1631. Revocation of, should be decided by magistrate, *ib.*, 1638. Conditions endorsed on, a dead letter, *ib.*, 1787. Should be abolished in the case of habitual criminals, *Davis*, 1961. Might be granted to men convicted of forgery, embezzlement, &c., *ib.*, 1967. Conditions attached to, in Western Australia, *Kennedy*, 2461. Punishment for infringing conditions, *ib.*, 2462–2464, 2632–2636. Not revoked in Western Australia except on re-conviction there, *ib.*, 2639.

Regulations for granting, under the English system, inapplicable to Ireland; endorsements on; course adopted by the Irish government with regard to, *Crofton*, 3151. Remarks on a return of the number of prisoners released on, in Great Britain and Ireland, &c., so far as regards the Irish return, *ib.*, 3320, 3321. If made more rigid as a system, it would make transportation a greater boon than it is now, *Gambier*, 4333, 4337–4339. Letter from an ex-detective officer on the working of the ticket-of-leave system in Ireland, *Organ*, 4498. Holders of, preferred by employers in Ireland, *ib.*, 4517. If change of residence not reported, are revoked, *ib.*, 4635. Causes of revocation of, 4633–4636. In Ireland are revoked for drunkenness, *ib.*, 4713. Number of prisoners returned to Brixton on revocation of, *Moran*, 4796.

Practice in granting, in Western Australia, *Henderson*, 6222–6227. Granted sooner there than in England, *ib.*, 6290–6294.

Tidy, Colonel Thomas Holmes (*Analysis of his evidence*):

Acting assistant adjutant-general, 4917. Deserters from the army are marked with the letter D, about 1½ inch in length on the left breast, two inches from the nipple; this may be ordered by court-martial every time a man deserts, 4918, 4919. The object of marking is to prevent deserters from re-enlisting, 4918–4921. No medical practitioner would accept a recruit who was marked even with an obliteration of the D, 4932. There is another mode of marking under the Mutiny Act of 1862 by imprinting the letters B. C. for "bad character;" this is done in the case of men recommended by court-martial to be discharged with ignominy; the letters are pricked in on the right breast; the object is to prevent men of worthless character re-entering the army, 4936–4938. The letters B. C. can only be imprinted by an order from the general commanding in chief, approving the recommendation of a court-martial; marking with the D forms part of the sentence of a court-martial, and can only be inflicted as part of the sentence, 4939–4943.

Timber and Timber Trade of Western Australia, *Sanford*, 2777–2782, 2808–2816.

Tobacco, love of convicts for; if it were allowed them they would do 30 per cent. more work, *Macdonnell*, 5943–5945.

Trades:

Carried on by prisoners in Millbank prison, *O'Brien*, 2056; have been taught in the prison, *ib.*, 2215. Difficulty in devising labour more irksome and penal than employment in, *ib.*, 2259. Carried on by convicts in Mountjoy prison, *Crofton*, 3210, 3211. Taught in Holloway prison, *Weatherhead*, 5238–5239.

Trafalgar Square, Millbank prison supplied with water from, *O'Brien*, 2625.

Transportation and Penal Servitude, number sentenced to, from 1842 to 1862, *Everest*, 7–11.

Transportation:

A considerable number sentenced to, always remained in this country, *Everest*, 8, 9. Treatment of those sentenced to, retained in this country, *ib.*, 13, 14. Offenders sentenced to, not removed, invariably received a free pardon, *ib.*, 15. Accumulation of prisoners in Government prisons in consequence of cessation of, *ib.*, 20–24. Abolition of, in 1857, *ib.*, 70. All sentences of, under 14 years, abolished by Act of 1853, 26; limited extent of, until 1857, *ib.*, 27–29. Generally regarded as a boon by the men, *Jebb*, 779, 780. Selection of men for, is made by director having charge and governor of prison, *ib.*, 785. Uncertainty since 1857 whether a man sentenced will be removed to a colony or no, *ib.*, 793. Between 700 and 800 were sent out last year, *ib.*, 794. The sentence of, was abolished in 1857, but the power was retained of removing prisoners to any colony willing to receive them, *ib.* 796. Looked upon as a boon by men with long sentences, *Powell*, 1351. Only offered to men with long sentences, *ib.*, 1352. Many convicts sentenced to, were pardoned before half their sentences had expired, *Mayne*, 1624. Generally adopted in 1782, *ib.*, 1654. Return to, very desirable, *ib.*, 1683, 1685, 1695, 1775. Should be resorted to after the penal part of sentence undergone at home, *ib.*, 1696. Should always be accompanied by separation and hard labour, *ib.*, 1735, 1776. Comparison of average terms of sentences of, passed on the Western Circuit in five years ending 1842, and average terms of penal servitude passed in five years ending 1862, also of terms of imprisonment for like periods, *Gurney*, 1848–1854. Deterring effect of, *ib.*, 1872. Should be adopted in all cases after penal labour at home, *Davis*, 1977.

System of, as carried out in Western Australia has worked well, *Kennedy*, 2308. The uncertainty as to the continuance of, to Western Australia militates against the success of the colony, *ib.*, 2545. Short sentences not applicable for, *ib.*, 2628–2630. To Western Australia would be injurious to Southern Australia, *Newland*, 2894, 2912. Never any to South Australia, *ib.*, 2917. Desired by prisoners, *Guy*, 3104, 3105. Convicts look forward to, with satisfaction, *Crofton*, 33. Habitual and grave offenders not fit for, *ib.*, 3416. Convicts as a rule are anxious for, *ib.*, 3416, 3586. Must be continued because of the large number of convicts uncontrolled in England, *ib.*, 3430-3433, 3587, 3588.

Per-centage of prisoners unfit for, and not liable to, *Gambier*, 3995–4007. Precautions against transporting lunatics, &c., *ib.*, 4009. Reserve list of men ready for, at Portland, *ib.*, 4013. Selection of convicts for, *ib.*, 4240–4245. Instructions for guidance in making the selection, *ib.*, 4246. Practice in making the selection, *ib.*, 4247–4254. Regarded as a boon, *ib.*, 4253. As now conducted has no deterring effect, *ib.*, 4324. Might be so conducted as to be dreaded, *ib.*, 4325–4327, 4330–4334. Would be a greater boon than it is now, if there were a more rigid system of ticket of leave at home, *ib.*, 4333, 4337–4339. Is a greater punishment to the man intending ill, but a boon to the intending well-doer, *ib.*, 4345–4349. No lunatics knowingly transported, *ib.*, 4370–4372. The men selected for, being re-convicted men, are the most likely class to relapse into crime if released in this country, *ib.*, 4390–4392. Routine of selection of men for, *ib.*, 4399–4405.

If adopted as a rule, should be a reward to the amending convicts, *Organ*, 4676. Objection to the present mode of transporting convicts, *Measor*, 5553. Suggestions for obviating the evils of, *ib.*, 5554–5556. Of late years some of the very worst have been sent to Australia, *ib.*, 5560–5564. Selection of convicts for, *ib.*, 5593–5598, 5810–5814. Bad character of men shipped in the "Lord Palmerston," *ib.*, 5599. Majority of convicts anxious for, *ib.*, 5600–5604. Means suggested for improving the system of, *ib.*, 5606–5609. Undesirable to transport anyone who had not undergone a reformatory treatment at home, *ib.*, 5731. A boon to nearly all classes of prisoners, *ib.*, 5733, 5734. Frequently the worst men selected for, *ib.*, 5735–5742. Not a deterring punishment, *ib.*, 5833. Convicts should not be transported till they are fit to be discharged with tickets of leave in a colony, *ib.*, 5836.

Uncertainty of the system of, a drawback to enterprise in Western Australia, *Henderson*, 6144–6148, 6176.

Tread-wheel. *See* Crank.

Turner, Mr. Edward (*Analysis of his evidence*):

Chief warder at Chatham, was warder at Millbank 13 years ago, 1471–1475. Has attended to greater part of Capt. Powell's evidence, and agrees with him generally as to the discipline &c. of Chatham prison; but thinks the governor's power of inflicting punishment should be greatly extended, including corporal punishment, 1477–1483. Corporal punishment is not inflicted with so severe an instrument as at the time of the disturbance at Chatham prison; no prisoner has been flogged for more than two years, 1484–1486. Visits all the works, except those at the Gun Wharf, and is generally satisfied with the manner in which the convicts work, 1487–1490. The ordinary diet at Chatham is not too liberal to keep the men in

Turner, Mr. Edward (Analysis of his evidence)—*cont.*
working order, 1491. Does not think the warders are influenced in making their reports by any threats of the prisoners ; in most cases the prisoners do not intend to carry their threats into execution ; the warders would not be influenced by them in any way, 1492–1496.

United States: Objection to emigration of convicts to, *Crofton*, 3510.

Unnatural Crime, committed or attempted by convicts on board ship, *Measor*, 5841–5846, 5851.

Unnatural Offences: convicts sentenced for, specially exempted from transportation to Western Australia, *Jebb*, 760.

Valuation of Work done by Convicts:
At Spike Island, *Whitty*, 3759–3765. At Lusk, *ib.*, 3766, 3770. At Smithfield, *ib.*, 3768, 3769. How it should be made, *Measor*, 5671–5675.

Value of the Prisoners' Labour, at Portsmouth prison, *Gambier*, 3917. On Southsea Common, *ib.*, 3927–3933. At Portland, *Evans*, 5970–5973. At Chatham, *ib.*, 6080–6084.

Verne Fortification:
Nearly the whole of the works at, executed by convict labour, *Evans*, 5982. Convicts employed on, do not return to prison for dinner, *ib.*, 6088.

Visits:
Allowed to prisoners, *Jebb*, 268–270. Of a director to convict prisons, intervals between, *Gambier*, 4090–4095.

"V.G." and "G.":
Use of the letters in the English system of recording the conduct and industry of prisoners, *Whitty*, 3813–2825. Partially used at Spike Island, *ib.*, 3850–3856.

Waddington, Horatio, Esq. (*Analysis of his evidence*) :
Explanation of the reasons which prevented the recommendations of the committee of H. C. in 1856 as to holders of tickets of leave in England from being adopted. The first condition,—"if a convict wishes to retain the privilege which, by his good behaviour under penal discipline, he has obtained, he must prove by his subsequent conduct that he is really worthy of Her Majesty's clemency,"—has been always stringently carried out ; but with respect to the next, "if he associated with notoriously bad characters, leads an idle and dissolute life," &c. the licence has not been generally revoked on a mere report of the police that such was the case; for it would be very hard to send a man back to prison on a mere ex parte statement of the police, with no means of investigation upon which the man might be called and heard. The revocation of a licence is a severer sentence than can be passed by a magistrate on summary conviction. The law does not provide for any way in which a prisoner could be heard on allegations as to his misconduct, as he cannot be apprehended until a revocation of the ticket of leave is decided upon. If the system is to be continued some means should be provided for a formal decision of the magistrate on the nature of the misconduct attributed to a prisoner ; the mere assertion that he associates with bad characters, &c. is easily made; and the law with respect to reputed thieves and persons misconducting themselves is in this country very stringent; no prisoner could misconduct himself for any length of time without bringing himself under the provisions of the Vagrant Act, 424, 425. Ticket-of-leave holders have never been required to confine themselves to particular parts of the country and away from great towns ; in life sentences, for very heinous crimes, licences have been so granted as to exclude the holders from those particular counties where the crime had been committed; but there is no general regulation excluding convicts from large towns, especially not from London, 427, 428. It was supposed they would be the best judges of where to find employment, and in the case of hardened offenders, they would be sure to change the scene of their operations almost immediately, 429. It has never been attempted to compel them to report themselves periodically to the police; such a system of surveillance, if introduced, must be by Act of Parliament ; would be sorry to be a party to introducing it, it has never been heard of in this country, 430, 436. Although they are under surveillance in the colonies, it was always considered the difference was very great between introducing the system into England and into colonies that were originally penal settlements, 432. The Crown has complete power in this country, because the Act imposes no conditions as to the revocations of licences, and the ministers of the Crown may lay down what rules they think right in exercising a discretion in the matter, but the exercise is not mentioned, and it was not thought desirable to exercise it in that way; if done in one case, it must be done in all, 433. Regarding surveillance as a measure of the executive, and not introduced by

Waddington, Horatio, Esq. (Analysis of his evidence)—*cont.*
Act of Parliament, witness would not exercise it, 435, 436. The condition of surveillance is not imposed by the Secretary of State, 437.

The carrying out the condition "if he associates with notoriously bad characters, leads an idle and dissolute life, &c., he will be apprehended and re-committed to prison," &c., depends entirely on what reports the Secretary of State chose to act upon, and what evidence he might require; to do so by the action of the police would be to give it a much larger extension, 438,439. The practical result is not that these conditions are a dead letter; the first has been largely acted upon, and if the men had been put under surveillance and police reports been acted upon, there would have been more revocations. There have been cases in which such reports have been acted upon, and in others the man has been cautioned, 440. This condition was laid down by Lord Palmerston when licences were first granted, but has been acted upon by Sir G. Grey in only a few instances, 441,442. It is presumed that the dislike to surveillance by the police is the reason why it has not been acted on, 443. No case has occurred of a man being confined under two concurrent sentences of penal servitude; but there have been many cases where a man under sentence of transportation for 14 years, having a licence at the end of six years, if re-convicted three years afterwards and sentenced to three or four years penal servitude, would still be within the term of his original sentence, 446. The resolution of the H. C. committee that "every convict, on his release with a ticket of leave, ought to be reported to the police of the town or district to which he is sent," has been systematically disregarded, except in cases where the men have strongly petitioned to be returned to the county where the crime was committed; it has been carried out in Ireland, except in Dublin, 447, 448. It is a serious question, whether putting released convicts under the surveillance of the police would be advantageous to them or to the public; it has been discussed in France, and the result has been that such a system has not been found advantageous to one or the other; it tends to form the convicts into a separate class, and being watched by the police no one will employ them, and they are driven again into crime, 449-451. In England, where they would go about just as they pleased, the surveillance would have little effect in keeping them to a particular place, and the only hold over them would be a revocation of their licence, 452. Being supposed to be partly reformed while in prison they would do better by not being under surveillance, 453. In the absence of any supervision of ticket-of-leave men, the Home Office receives no account of the course of life pursued by them unless it is specially called for; such statements have been called for, and it has caused surprise that the police could furnish them so fully as they have, 455,456. The police throughout the country know where these men are; it is their duty to watch all old offenders, not by interfering with their liberty, but to watch their movements, which is considered sufficient by the Home Office, 457. It depends upon the vigilance of the police whether these men are under their surveillance or not; there are no special orders on the subject, they are left to the general law and superintendence which the police exercise over all notorious criminals, 458, 459. There is in the Judicial Statistics every year an account of the number of known thieves, receivers of stolen goods, prostitutes, and vagrants, which information is procured from the police, 461, 462.

To brand a mark on the convict's person would be a mode of insuring recognition, but the feeling in this country is against it, and the French "forçats" used every means they could resort to to eradicate the letters branded on them, 463–466.

Persons under sentence for life are not to be brought forward from the convict prisons for remission under 12 years, and in many cases, if a licence were then granted, the remission would be too small. None of those sentences to penal servitude for life under the Act of 1853 can be brought forward for two years yet; but there is no reason to suppose that the remainder of their sentences will as a matter of course be remitted; circumstances must be considered; sentences for life are passed for crimes of very different gravity; it is inconvenient that for some offences sentences for life have been passed; these men were sentenced to transportation for life, formerly, to get rid of them, and give them a better chance in the colony, 467–469. It is more the rule now than it used to be, to confine penal servitude for life to offences of serious character and great magnitude; it is regarded practically in the courts of justice as the most severe sentence that can be passed for ordinary crimes, 470–472. No good conduct will entitle a man sentenced for life to be brought forward for remission before the end of 12 years; in minor sentences a man's conduct may justify his being brought forward earlier in proportion, 473, 474. Twelve years is not a short time at the expiration of which it is right to consider the possibility of a remission; the good cases will be distinguished from the bad, and 12 years imprisonment is a severe punishment, 475. No case of a sentence for

Waddington, Horatio, Esq. (Analysis of his evidence)—*cont.*
20 years has come under notice; cannot say, therefore, whether a convict so sentenced would have to serve two-thirds of that time before he was brought for a remission; supposing that to be the case, he would be entitled to his remission, whereas a man sentenced for life has no right at the end of 12 years to more than an investigation into the merits of his case, 477–479. In all except life cases, the remission to be conceded would depend upon the individual's conduct; the life cases depend on the nature of the crime, and are always kept for special consideration, 480–482. It is not quite the practice that penal servitude for life is confined to crimes that were capital until a year or two ago, 483. There are some cases of great offences punished by sentences of penal servitude for life in which it would be most undesirable to restore the parties to society in this country; there is a certain gang who have been serving on public works now 12 or 13 years, and it would be more desirable to transport them even now than release them in this country; they are precisely the class of persons most objectionable to be sent to any colony, and would have been transported long ago, but for that consideration. Anything in reference to the whole of this question should be done by legislation, which would be more satisfactory than leaving it to the executive, 484–486.

The invariable rule is to revoke tickets of leave in all cases of re-conviction for crime, 487. A summary conviction by a magistrate is the more frequent ground than a conviction by a jury, 491. This kind of business is especially carried on by the criminal department at the Home Office, and the Secretary of State is responsible for such cases, 492–496. There is no system at the Home Office by which cases of re-conviction or misconduct of ticket-of-leave holders would be brought to its notice; it rests entirely on the discretion of public officers or of individuals, 497–502. There is no order given by the Home Office as to the transmission of information concerning the re-apprehension of ticket-of-leave holders, 503. Such information would be considered as being part of the duty of the police, but there is no order to that effect, 504, 505. A nominal list is kept at the Home Office of holders of tickets of leave, 506, 507. No information is furnished by the Home Office to facilitate the discovery on the part of prison authorities whether a man is or not a ticket-of-leave holder, 508–512.

Before a convict receives his ticket of leave, considerable correspondence takes place as to his prospects and likelihood of employment, 513. The second portion of the gratuities paid to ticket-of-leave holders is never paid but on the certificate of respectable persons as to their good conduct, 514, 515. This second portion is paid through the police; those who apply for it must present themselves at some police station, and are thus known, 516.

Wages earned by Labourers in Dublin, *Crofton*, 3556–3567.

Wakefield Prison:
Treatment of prisoners during separate confinement the same as at other prisons, *Jebb*, 280. Number of prisoners it will hold, *O'Brien*, 1999.

Warders:
At Portland, gratuities received by, *Jebb*, 348–363. Gratuities depend on performance of their duty by, and not on account of the industry or otherwise of their gangs, 364–366. Unsatisfactory discipline among those removed from the hulks to Chatham, *ib.*, 574–578. Of the six in Chatham prison at the time of the outbreak not one was injured, *ib.*, 588. Not influenced in reporting by prisoners' threats, *Turner*, 1392–1396. Gratuities given to, at Millbank and Pentonville, *O'Brien*, 2282–2287; are seldom withheld from, *ib.*, 2297. Are under fear of violence from some prisoners, *ib.*, 2299–2302. Difficult to obtain efficient, in colonies, *Kennedy*, 2354. Suggestions for procuring efficient, *ib.*, 2372–2374. Have a tendency to make favourable reports of their working parties, *ib.*, 2675. Influenced by considerations in making reports on prisoners, *Guy*, 2991. Not enough male warders in Millbank prison, *ib.*, 3126. In the Irish prisons not allowed gratuities, *Crofton*, 3190–3193. Number of, in Ireland, *Whitty*, 3776–3778. Salaries of, lower than in England, *ib.*, 3779. If warders report favourably of the men from fear of them, they are exceptional cases; the body, both in England and Ireland, are very steady and firm, *ib.*, 3837–3840. In England, warders receive gratuities; in Ireland they do not, *ib.*, 3841–3843.

Cannot, for the purpose of getting their gratuities, render an inaccurate account of the prisoners' work, *Gambier*, 4036–4040. Have no fear of the prisoners, *ib.*, 4041, 4042, 4122. Are overworked; two more to every 100 men wanted; if the discipline were made more penal, a much larger staff would be required, *ib.*, 4174–4178. Are all underpaid; every warder does not get the maximum allowance to gratuities; the system should be altered, and the gratuities added to the salary, *ib.*, 4200–4207.

Warders—*cont.*

The present warders in the convict service do not possess the peculiar kind of qualification requisite for the guidance and control of convicts, *Measor*, 5427. Pay of an assistant warder, *ib.*, 5432. Gratuities to, objectionable, *ib.*, 5438–5439. Duties of the principal warder, *ib.*, 5445–5456. Supervision of the principal warders by the chief warder, *ib.*, 5446. Long hours of, 5469. Some are afraid of reporting against men placed under their charge, *ib.*, 5543–5546. Have been known to act dishonestly, *ib.*, 5577–5581. Numbers of, dismissed at Chatham; their offences, *ib.*, 5703–5708. For assaults upon, more prompt means of punishment are desirable, 5652–5655. Character of, at the time of the Chatham outbreak, *ib.*, 5691. Should be men of more education than they are at present, *ib.*, 5692. Age for appointment, *ib.*, 5696. Comparison of their prospective lot with clerks in public offices, *ib.*, 5696. In communication with discharged prisoners, *ib.*, 5698–5702. Frequently discharged in proportion to their numbers; their offences, *ib.*, 5703–5708, 5782, 5783. Are influenced by fear of personal violence in making their reports, *ib.*, 5743,5748, 5756–5762, 5801–5807. The absence of any standard of work a difficulty in the way of upright officers, *ib.*, 5747.

Being old soldiers, are not the best adapted for instructing convicts in their labour, *Macdonnell*, 5889–5891. The work of the convicts depends very much upon the warder; some are greater favorites with the convicts than others, *ib.*, 5945–5948. Are not afraid of the men, although they try to pull well with them; warders have been fined for overworking the men, *ib.*, 5949–5954. Cases very rare of their being assaulted, *ib.*, 5957, 5958. At Portland afraid of being too strict in reporting convicts, *Evans*, 6048. Gratuities to, are an inducement to perform their duty, *ib.*, 6054. Old soldiers the best suited for warders, as being the better disciplinarians, *ib.*, 6114.

Warders, Female. *See* Female Warders.

Washing Account of Fulham Refuge for 1862, *Jebb*, 659.

Water: Supply of, to Millbank prison, *O'Brien*, 2022–2028. To Pentonville prison, *ib.*, 2022.

Weatherhead, Mr. John (*Analysis of his evidence*):

Formerly governor of Newgate for three years and a half; has been governor of Holloway prison nearly four years, 5152–5154. The number of prisoners in Holloway prison is 382, which is about the ordinary number, including men with short and long sentences, 5155–5158. The diet, which differs according to the terms for which the prisoners are committed, is the Government diet, and was approved by the Secretary of State in 1860,—5159, 5164. There are five scales of diet, 5160. The fifth or highest scale is for all prisoners sentenced to periods above four months, 5161, 5162. The scale is a good deal lower than the dietary in the prisons at Chatham and Portland, but it is about equal to that of Pentonville and Millbank, 5164, 5165, 5263, 5305–5308. The highest class of diet at Holloway is for convicted prisoners employed at hard labour for terms exceeding four months; on Sunday, Tuesday, Thursday, and Saturday—breakfast, oatmeal gruel 1 pint, bread 8 oz.; dinner, cooked meat without bone 4 oz., potatoes 1 lb., bread 8 oz.; on Mondays, Wednesdays, and Fridays the breakfast is the same; at dinner, soup 1 pint, potatoes 1 lb., bread 8 oz., with 3 oz. of meat in the soup, which is weighed in every case; supper, daily, 1 pint of gruel and 8 oz. of bread; there is solid meat in the soup, which is cut up and weighed, 5166–5170. The three lower dietaries apply to prisoners sentenced from three days to six weeks; the lowest class diets for convicted prisoners confined for any term not exceeding seven days—for breakfast, oatmeal gruel 1 pint; dinner, bread, 1 lb.; supper, oatmeal gruel, 1 pint; this is intended to be a penal diet, 5288–5290. The prisoners who live upon the highest diet work at the tread-wheel for 5½ hours per day; the work consists of mat making, picking oakum and fibre, cutting junk; the tread-wheel for pumping water for prison use, woodcutting, needlework, washing, knitting, cleaning, white washing, &c., 5171–5174, 5176. The diet is sufficient to preserve the health of the men engaged in that work, 5175. Every prisoner, who is physically able, on coming into the prison, is put for three months on the tread-wheel, after that he is placed at such labour as he may be most fitted for; during those three months he is actually on the wheel for 2¾ hours in a day; during the other 2¾ hours he is picking oakum in his cell, 5177, 5178. Prisoners work nine hours and 25 minutes in Holloway prison, 5180. The men are regularly weighed every three months; out of 940 men who were weighed in the two years ending June 1862, 352 lost in weight, 531 gained in weight, 58 remained stationary, 5181–5184, 5285–5287. Females are not weighed, they do not increase or decrease much in weight, 5185. There are at present nine prisoners in the infirmary, which is about the usual number; the average number on the sick list is 32, or not quite 10 per cent., 5188–

Weatherhead, Mr. John (Analysis of his evidence)—*cont.*

5190, 5259–5262. There are 26 prisoners who are being allowed an increase or change of food, 5191–5194. The meat issued in Holloway prison is the neck part; it is the worst class of meat that is given to the prisoners, is not so nourishing as the other parts of the animal, and is much cheaper, 5195–5197. The silent system is enforced in Holloway prison to a great extent; a man must ask permission of his officer before he can speak to another prisoner, 5198, 5199. The separate system in cells is adopted, and working in association in silence, 5198–5202. With regard to the bad effects produced by the separate system upon the mental condition of the men, in four years there have been five lunatics, one of whom had been in Maidstone lunatic asylum before, 5203. There are from 20 to 24 in Holloway prison who have been before in convict prisons; those who have been in convict prisons draw comparisons between the two dietaries, 5206, 5207; they say the diet is much better in the Government prisons than at Holloway; some say they would sooner spend 12 months in a convict prison than six months in Holloway, 5208. The dietary is not the only advantage they speak of, they speak of the silent system, they do not like the tread-wheel, they are kept a good deal more strictly, and the cell is a greater punishment to them, 5209. One-third of the number return to the prison; about one-sixth have been in Holloway before, so that the discipline of that prison does not deter them from crime, 5210–5212. One-half of them are relapsed convicts; there are 60 in the prison now who have been from two to six times in Holloway, for such offences as pilfering in the streets, robbing from the person, &c., for terms of imprisonment of from two to four months, 5213–5216.

There is great difficulty in proving former convictions, particularly in the case of the old incorrigible thief, or the clever thief, 5217–5217. There is great difficulty in identifying the prisoners, 5220. The police are unable to prove the former convictions sufficiently; an officer from each prison should visit the large towns in each county the week before the sessions begin; this would prevent the incorrigible thief from travelling round the country and getting off; the country has to incur the expense of sending persons from county to county to prove former convictions, and this plan would be a more effectual means of doing it; about 50 officers would be sufficient for the duty; the officers of prisons in such places as Liverpool and Manchester should also pay a like visit to London and to the sessions held in Middlesex and Surrey, 5221-5225, 5245–5256. After a second sentence to penal servitude or transportation every prisoner should be marked, 5226–5229. There is more difficulty with some old convicts than with the others; generally speaking they keep themselves out of trouble in prison, but some of them are incorrigible, 5230.

The gross cost of the prisoners' maintenance in Holloway prison is 21*l.* 8*s.* per head a year, 5231, 5232. The profit of the prison labour was 1,125*l.* 2*s.* 5*d.* last year. on an average of 380 prisoners, but one half of that number would be only sentenced for such periods that very little labour would be got out of them, 5233, 5234. The total cost per year would be about 8,030*l.*, then there would be 1,000*l.* to be deducted from that, and about 2,000*l.*, the estimated value of labour which the prisoners perform for the prison; the prisoners also do the washing for Whitecross Street prison, make the clothing for the officers of the Mansion House and Guildhall, for Whitecross Street and Holloway prisons, &c., so that the actual cost to the city last year was only 2,700*l.*, 5235–5237. Communication is kept up with many of the prisoners after leaving Holloway; a great number of the young men are taught trades, and many of them are now earning a living in London through what they have learnt at Holloway, 5238, 5239. Some assistance is afforded to them from the Sheriffs' Fund and other sources, 5240. In every case a man is narrowly watched in prison before anything is done for him, 5241. A great number turn out very well after leaving Holloway; a few emigrate, and a great number are sent to sea, 5242. At least 10 out of every 100 tried at the Old Bailey are persons travelling from one county to another with the object of evading former sentences; 10 per cent. of the whole number of these persons would be detected by the officers travelling from county to county, 5257, 5258. There are 51 juveniles (or those under 17 years of age) now in the prison; there has been an increase in their number in the last two years of 10 or 15 per cent., which is an indication that the commitments have increased in the metropolis, 5265–5270. They are generally summarily convicted, not tried at the Old Bailey; those tried are always committed to prison for short terms, and are then transferred to Parkhurst; some of these juveniles come frequently back to prison, the juveniles forming the greater proportion of the re-commitments, 5275, 5276. There are not many juvenile females, the larger proportion are males, 5277, 5278. The juveniles are kept in a separate wing of the building; they attend school daily; those who have received long sentences are taught trades, and upon the whole the treatment of them is less penal

Weatherhead, Mr. John (Analysis of his evidence)—*cont.*
than that of the adults, and a larger proportion of them return to prison, 5279–5281.

On the day of examination there were 201 males receiving the fifth-class diet, and 32 females, leaving about 140 of the others; the length of the sentences of those who receive the best diet varies from six months to two years, 5282–5284. There have been only four persons flogged in Holloway prison in 11 years, two under sentence of the Court, and two for insubordination in the prison; the ages of the two sentenced by the court were 14 and 15; and of the two flogged for insubordination 16 and 30; the man was flogged with a cat, and the other three with a birch, 5291–5295. Insubordination in the prison occurs very seldom; there have been only three acts in the last four years, 5297, 5298. There has never been an outbreak among the prisoners, 5299. There has only been one instance of an officer being struck by a prisoner, and that was the man who was flogged, 5300, 5301. All men sentenced to penal servitude, and who have been guilty of violent conduct, such as garotting or violence to the police, should be subjected, as the first part of their sentence, to solitary confinement, and be flogged, and men sentenced to seven years and upwards of penal servitude should be kept during the last month of the sentence in solitary confinement, 5302. Alternating the regular diet with now and then three or four days bread and water, would not add very much to the penal character of the punishment, it might in some cases, but not in all, 5303, 5304.

Weighing of Prisoners in Scotch prisons, *Smith*, 4971. At Holloway, *Weatherhead*, 5181–5184. At Millbank, *Guy*, 3006. At Pentonville, *ib.*, 3027–3030.

Western Australia; must have been given up had not convicts been sent there, *Henderson*, 6124–6127. Good character of released convicts in, *ib.*, 6128. Could receive 1000 or more convicts per annum, *ib.*, 6136–6141, 6194, 6265. Enterprise in, restricted by uncertainty as to continuance of transportation to, *ib.*, 6147, 6148. Land suitable for settlement in, *ib.*, 6149–6152, 6195. Works for convict labour in, *ib.*, 6154–6162. Horse-breeding a good speculation in, *ib.*, 6195, 6201, 6269–6289. Want of women in, not yet greatly felt, *ib.*, 6231. Sheep and cattle breeding limited in, *ib.*, 6196, 6200. Mines and minerals and timber in, *ib.*, 6201–6215. Want of capital in, *ib.*, 6209, 6212, 6316, 6325–6331. Production of wine in, *ib.*, 6328. General good conduct of convicts in, *Pownall*, 6377 *et seq.* Chaplains in, their salaries, *ib.*, 6381–6384. Value of estates in, increased by convict labour, *ib.*, 6389. Drunkenness in; savings banks wanted in, *ib.*, 6390. Climate of, *ib.*, 6402. Female emigrants to, if well conducted soon marry, *ib.*, 6410.

Whipping:
Should be used as a punishment for convicts, *Mayne*, 1721. Adults might be whipped on conviction of larceny until last year, *Gurney*, 1875. Never formed part of sentence on adults on the Western Circuit, 1877.
See also Corporal Punishment.

Whitty, Capt., opinions of, as to diet at Portland; suggestions of, as to alterations in diet, *Jebb*, 546, 551.

Whitty, Captain I. S. (*Analysis of his evidence*):
Employed in the convict service since 1845; at first for three years organizing as governor the first military prison established at Chatham; then transferred to organize, as governor, the Portland convict establishment on its commencement. Then, in 1851, appointed a director of convict prisons in London, with Sir Joshua Jebb and Captain O'Brien as colleagues; and in 1856 went as director to Ireland, in succession to Captain Knight, 3679–3681. When witness became director of convict prisons, was about the time the supervision of convicts was first introduced and the intermediate prisons; experience in the working of the English system led him to observe the want of supervision, and of such establishments as the intermediate prisons in Ireland, 3682–3684. The absence of any kind of remission of the sentence interfered very much with the proper management of the men who were sentenced under the Penal Servitude Act of 1853; they were very difficult to manage under these circumstances; there was nothing that seemed to be a fair substitute for that reward which had previously kept the convicts in very good order; in Ireland the intermediate prisons answered this purpose, 3685, 3686. The points in which the Irish system, as practised now, differs from the English system, are, first, the greater stringency in the first period of the sentence; secondly a more minute plan of classification on the public works as the second stage; thirdly, a lower scale of gratuity in the earlier stages in the Irish prisons, the higher rates being reserved for the later and superior classes; fourthly, the intermediate prisons, which are a special means of mental improvement, and of pre-

Whitty, Captain I. S. (Analysis of his evidence)—*cont.*

paring the prisoner for the transition from confinement to liberty, and also of testing this preparation; fifthly, a more rigid enforcement of the conditions on which the prisoners are set at large on licence; and, lastly, a process of tracing back, and placing before the judges, &c., the cases of habitual offenders, 3687. The more minute classification of the prisoners in the public works stage is very effectual indeed in keeping them properly in hand; there is no difficulty in separating those classes sufficiently for proper discipline without interfering with their labour; it rather helps the labour in prisons for public works, as at Spike Island, which is an example; men there in the advanced or the highest class can be sent on boating expeditions to any places out of the island to work, which would not be done with prisoners mixed up together without reference to their characters, 3688, 3689. It is possible to classify them with a moderate amount of accommodation; large prisons that are not subdivided are very inconvenient for discipline; at Spike the plan of putting up wire cells was partially adopted, which changed the ordinary barrack rooms into prisons, with almost quite sufficient separation for night purposes; these were corrugated iron partitions forming cells four feet in width, the same as at Portland, the fronts and tops of iron wire; these cells can be put up anywhere, 3690–3695. One distinction between the English and the Irish classification should be mentioned—in England, if a man's conduct is good in separate confinement, on being removed to the public works he goes immediately into the first class; in Ireland the men go from separate confinement to commence in the third class, but with this distinction, if they come with a good character they remain for only two months in that third class, whereas if they come with a bad character they may be nine months; but they all begin in the third class; the largest amount of gratuity attainable by a convict of the best character under a sentence of four years penal servitude, he being two months in the third class on public works, would be eight weeks at 1*d.* per week, amounting to 8*d.*; then for six months in the second class, or 26 weeks at 2*d.* a week, making 4*s.* 4*d.*; then in the first class 12 months, for the first six months he would receive 3*d.* a week, and for the second six months 4*d.* a week; the first six months at 3*d.* yielding 6*s.* 6*d.*, and the second six months at 4*d.* yielding 8*s.* 8*d.*, the two together making 15*s.* 2*d.*; this man would then get into the advanced class, and a four years man without any prison offences, his conduct being satisfactory, would be in that class 26 weeks, and would receive 9*d.* a week, which would amount to 19*s.* 6*d.*; by that time he ought to have reached the intermediate prison; a four years' man is supposed to remain therein for five months before his discharge, these five months, or 21 weeks at 2*s.* 6*d.* a week, giving 2*l.* 12*s.* 6*d.*; the total for a four years' man to give him a claim to a licence would be 4*l.* 12*s.* 2*d*, 3695. What the men generally earn varies according to their sentences, and it is not very easy to strike an average; there are frequent cases in which these gratuities would not amount to even half what they might be, because a man forfeits a portion by misconduct, 3696. The total amount of gratuities a man can receive in Ireland with a four years sentence is about half the amount that he could receive under the same sentence in England, supposing that in both cases he earns the maximum, 3697, 3698. It is not a rare case that a four years' man earns the whole amount of 4*l.* 12*s.* 2*d.*, 3699. And in the Irish system the higher grades of gratuities are all kept to the later stages, when the men get into the intermediate prisons, 3700. There is no gratuity in England so high as is given in the intermediate prisons, such as 2*s.* 6*d.* on the farm work at Lusk; the men at Lusk work very well indeed; men in the harvest time often volunteer to work extra hours in order to get in the crops, 3701, 3702.

At Mountjoy male prison the convict, on reception, for four months gets no meat; he gets in a week 3½ lbs. of oatmeal, 10½ lbs. of bread, 12½ pints of milk, 2 ounces of rice, and 4 ounces of vegetables; they also get soup which is made of ox heads, but they get no actual meat; they have no potatoes. In the next stage, for the second four months in separation the diet is, oatmeal 3½ lbs., bread 10 lbs., milk 12½ pints, beef 1½ pounds, without bone (weighed before cooking), rice 2 ounces, and vegetables 4 ounces, that is merely for the soup; they get the meat only on two days in the week; the amount of solid food they are allowed in the second four months is the same as in the first, with the addition of 1½ lb. of beef; this dietary has been in force since 1860; the prisoners have generally some leeks and things of that kind, and parsley, grown in the prison gardens, but no potatoes for the prisoners in separation, 3704–3717, 4470. In the case of the small number of prisoners who are confined beyond eight months at Mountjoy, an alteration made in their diet, they get 12½ ounces of oatmeal, 12½ ounces of rice, 11 pints of milk, coffee for breakfast, and molasses for sweetening it, 11¼ lbs. of bread, 2 lbs. of beef (weighed before cooking), 4 ounces of vegetables, and 8 ounces of potatoes;

Whitty, Captain I. S. (Analysis of his evidence)—*cont.*

that is after the eight months, but those men are put into association, and they work out of doors until they are removed; it is a small number only; there is no penal class at Mountjoy; prisoners under prison discipline have bread and water, 3718–3720. The ordinary diet at Spike Island is 24½ ounces of oatmeal, 24½ ounces of rice, 12¼ pints of milk, 13 lbs. of bread, 2 lbs. of beef (weighed before cooking and without bone), and 2 ounces of vegetables; they get meat four times in the week, on the other three days they only get stirabout, bread, and milk; that diet is continued during the whole period of their detention. The penal class at Spike Island get no meat at all. There are two classes there, the penal class and the probation labour class; these last are men who are exceedingly idle, and do nothing but pick oakum, they have no meat at all; the prisoners mind it so much that at present out of 700 men there are only four in that class, 3720–3725, 4470. A reduction in the diet is very effectual in keeping up the discipline of the prison, 3726. The diet at Spike Island has been in force for five or six years, 3729. The penal class, besides a reduction of diet, work in chains, and are kept separate altogether from the other prisoners; it is only those who have been guilty of repeated acts of violence who are put into that class, 3731. The diet at Spike Island is quite sufficient for the labour that the men perform, to keep them in health and strength; the medical officer never suggests any addition to be made to it. There are at this time eight in the penal class, four in the probation class, 96 in the third class, 186 in the second class, 213 in the first class, 115 in advanced class, and 88 in a special class preparing for intermediate prisons, 3732. The reduction of the diet in Spike Island is entirely a medical question; the medical officer, if he saw any necessity for reducing it, would certify to that effect, 3734, 3735 At Lusk and Smithfield the dietaries are quite different from the others; the Smithfield dietary is 12¼ lbs. of bread, ⅞ of an ounce of tea, 5¼ ounces of sugar, $3\frac{5}{16}$ pints of milk, 34 ounces of beef (weighed before cooking and without bone); they get beef three times a week; 5 ounces of oatmeal, 5 ounces of vegetables, 10½ lbs. of potatoes, $1\frac{1}{16}$ ounce of coffee, a proportion of chicory, and 8⅛ ounces of molasses; these quantities have all been fixed by the medical officer, 3738–3742, 4470. The dietary for Lusk is one-eighth of an ounce of tea, three-quarters of an ounce of sugar, 21½ ounces of oatmeal, 21½ ounces of rice, 11¼ lbs. of bread, $7\frac{1}{16}$ pints of milk, 2¼ lbs. of beef (weighed before cooking and without bone), 14 lbs. of potatoes, 5 ounces of vegetables, 1⅛ ounce of coffee, a proportion of chicory, and 9⅓ ounces of molasses, 3743, 4470. It was tried to get it lowered, but the medical officer interfered and said that the men were out all day upon an exposed common, and got very wet, and required it to keep up their strength, 3744, 3745. The amount of labour performed by a labourer at Lusk is greater than at Spike Island, it is more continuous and therefore more severe, 3748.

The dietary in the female convict prisons is 8⅞ lbs. of bread, 9⅜ pints of milk, 1 lb. of beef (weighed before cooking), 4 lbs. of potatoes, 4 ounces of pot herbs, 1 lb. of oatmeal, three-quarters of an ounce of coffee, 2 ounces of cocoa, and 4½ ounces of sugar. The mode of treating the female convicts is very different in the different stages, but the dietary is the same all through, unless in cases of punishment; the medical officers occasionally vary it when they see any symptoms of ill-health among the prisoners, 3750–3753.

There is very little labour done at Spike Island that is capable of measurement; it is principally different kinds of quarrying work, filling up holes, and paring down the surface of the rock to the sea to shape the fortification; the men are kept steadily at work, and knowing what the cost of hired labour would be on the spot, it is considered a fair justification in going near to that sum; some of the work can be measured, and that is done by the Royal Engineers' department and their clerk of the works; they report if the work is not satisfactory; they are always supervising the men; the men work very fairly there, quite as well as the free labourers, but owing to the nature of the work that accurate measurement of it that there is at Portland cannot be had; the value upon the work is something under the wages of an ordinary labourer, 3755–3759. The labour of each man is valued at about 1*s.* 6*d.* a day, 3762. An able-bodied labourer would earn 1*s.* 8*d.* a day at Spike Island, 3764. The wages at Lusk are charged in the same kind of way, at 1*s.* 6*d.* a day, 3766. The work performed at Smithfield is all tradesmen's work, and that can be got at fairly; the men at Smithfield do not, as a matter of course, get 2*s.* 6*d.*; they only get that as nearly as they can do work towards the value of it; there are not many who come up to the 2*s.* 6*d.* gratuity; there are trades' warders who test their work, and it is decided by them and by the superintendent of the prison what is the value of the work the men turn out; there are certain rates for making boots and shoes and for tailoring, and unless a man does a certain amount of work he does not receive the highest gratuity, 3768, 3769. The drain-

Whitty, Captain I. S. (Analysis of his evidence)—*cont.*

ing done at Lusk is valued by day work; as long as the men work fairly and regularly (and they all do there), their work is well worth 1*s.* 6*d.*; there would be no difficulty in ascertaining the value of it, as the cost of draining is well known in the country, 3770–3772.

Since witness has been director of convict prisons, nothing in the shape of a mutiny or an outbreak has occurred amongst the Irish convicts; there has been once or twice a little symptom of dissatisfaction, violent acts done by individuals, or by a few, but no combinations or outbreaks; Spike Island is one of the regular stations for military; the number of warders were pretty much the same as at Portland, 3773–3776. Speaking generally, the number of prison officials in Ireland is about the same as in this country; the salaries are lower than in England, 3778, 3779.

The Irish system affords greater facility for collecting information and statistics as to the fate of prisoners who have been under charge; when they go away they are put under the supervision of the police, that is the check there is upon them, it introduces them to the knowledge of the police, and makes the men more guarded in their conduct than they otherwise would be, 3780. There are a considerable number in Dublin under the supervision of Mr. Organ—between 140 and 150, not all of whose licences have expired, but a great many are visited by Mr. Organ who are not under legal supervision; the system might be extended to a far larger number; it would require additional agents, but if one man can take a certain number, by multiplying the agents it could be done, 3781–3785. That supervision is carried on by the officials of the convict service, but where men appear to be leading irregular or unsatisfactory lives, with no visible means of earning a livelihood, it is necessary then to resort to police supervision, which is done in Dublin; if Mr. Organ reports that he cannot understand how a particular man is obtaining his living, a communication is made to the superior officer of the detective police in Dublin, and this man is then looked after by the police, 3786. Mr. Organ reports regularly upon every man all through the city and county of Dublin, upon every ticket-of-leave man, and a great many who are not on tickets of leave, but who still remain under his supervision, 3787, 3788. Witness is perfectly cognizant, as head of the board, of the particulars of every case, 3789. Those who are in the rural districts are handed over to the police; every month each man has to report himself to the police; if he infringes the conditions of his licence he is reported to the inspector of the constabulary, and then his licence is revoked, 3790–3792. If they leave Ireland it is reported by the constabulary, and if they do not report themselves the constabulary report them; they might not be traced but they would be put into the Hue and Cry; there are not many instances of their coming over to England, doing so without leave would be a breach of the conditions of the licence, and they would be sent back to Mountjoy, 3793–3798.

A great deal of difficulty has arisen from the increased number of short sentences which have been latterly passed; the men do not get sufficient training, which they ought to have in the prisons, 3799–3801. Three-year sentences to penal servitude have to a certain extent taken the place of longer sentences in the county prisons, which is an advantage so far, but it is not enough to give the men proper training, nor is it sufficiently deterrent, 3802, 3803.

The convict board consists of witness, the sole director, and two inspectors; the old constitution of the board as it was in Sir Walter Crofton's time was more efficient; the service will suffer by the change that has taken place, there being too much work for one person, 3804–3807. Both at Portland and in Ireland the systems proceed upon the principle of a daily and monthly record of the conduct and industry of the men, with a view to determine the period of their enlargement; the principal points of difference are: in Ireland there is something of the mark system, that is to say, a man must attain a certain number of marks in each class before he can be transferred to the next highest; in England that mark system is not adopted; for instance, in the third class, the first that the prisoners enter in Ireland, they must make 18 marks before they get into the second; if a man's conduct is satisfactory, in two months he makes 18 marks, and then he is promoted into the second class, in which 54 marks must be made; nine marks must be gained in each month, three marks for industry, three for conduct, and three for school; in England a man must have recorded in his favour a certain number of times V. G., and a certain number of times G.; they are partly equivalent to the marks, but a man's progress cannot be so minutely attended to as under the Irish system of marks, 3808–3814. In both systems the principle is laid down that a man forfeits a portion of his remission for misconduct, and that he earns it by good conduct; in England unless G. or V. G. are put down to a man nearly every day he loses a portion of his remission; in

Whitty, Captain I. S. (Analysis of his evidence)—*cont.*

Ireland if he fails to get three marks in a month (for industry) it is also a forfeiture, for there a man's general work for every week is noted, but it is not recorded by daily marks; in England the practice was very general to record the men V. G.; if those letters were recorded every day the men became entitled to a remission, specified in the regulations of the Secretary of State, 3815–3826. "V. G." and "G." are used in the officers' books at Spike Island. A man must be "V. G." all through the month to get his marks in full; if "G." only, he would get only two marks; if he is marked "ordinary," only one mark, 3850–3856. According to the modified system of marks adopted in Western Australia every man is required to earn, according to the length of his sentence, a certain number of marks before he becomes entitled to a ticket of leave, and each day's work is separately valued, and in a succession of yearly reports it has been stated that such system has been attended with advantage, but it would be difficult with a large number of convicts to keep such a daily record, 3827–3833. It is the practice in Portland to tell a man that he has forfeited so many days, and then, in cases of good conduct, to remit a portion of that forfeiture; in the Irish prisons, if a man is reported "bad" in any of his points in a month, he forfeits that month, and makes no progress; if not quite "bad" he forfeits only a part, 3834–3836.

At Portland, if there were any indisposition on the part of the warders to report unfavourably of men through an apprehension of violence from them, the officer would be immediately sent about his business; if it occurred it would be exceptional; it is possible that the warders may fear to expose themselves to violence, and perhaps to considerable danger, by being habitually sharp upon the men; a man who had not determination enough in him to make them do their duty would naturally try to get on as pleasantly as he could with them, but the prison officers are not in general influenced by such motives; there has been a suspicion that certain officers were afraid of the men, but these are very exceptional cases; the body of officers, both in England and in Ireland, are very steady and firm in their duty with the prisoners, 3837–3840. The officers in England receive gratuities beyond their salaries, which depend upon their good management of the gangs under them; there are no such gratuities in Ireland; the warders are not under the impression that if they made repeated unfavourable reports of the gangs under them it would tend to diminish their own gratuities. The work done by the different working parties was compared, therefore it would not depend merely upon the officer's own opinion of what had been the conduct of his men, but upon the recorded quantity of work turned out by his party, 3841–3844.

Witness has never observed any unduly depressing effect produced by the greater severity in Ireland of the earlier period of separate confinement, the minimum period of which is one month less than in England; the maximum period to which it can be prolonged is 12 months, and that is in gross cases of misconduct, 3857–3859. It would not improve the system to prolong that period so as to make it in the earlier stage more penal than it is now; at one time it was 12 months, the ordinary time as in England, but it was reduced on medical grounds; the men used to come out after separate confinement for 12 months in a very unfit state to go upon the public works, it was said in consequence of their low scale of diet, and, some time after, the period of separation was reduced from 12 to nine months, as stated before, on medical grounds, on the representation of Captain Groves, the governor of Millbank, 3860–3864.

There is a superintendent at Smithfield, and a mere principal warder at the detached prison at Lusk who has four officers under him; his establishment, if filled up, would consist of 100 men, 3865, 3866. The system of intermediate prisons does practically facilitate the means of obtaining honest employment for the men after their discharge; a large proportion of the convicts, after their release from the intermediate prison, pass into honest employment, 3867, 3868. Mr. Organ is conversant with such matters, he has known about every one of them for certainly six years at least, 3870-3872. Mr. Organ is now called the lecturer, but he had been trained for a schoolmaster before; he is a Roman Catholic; when the intermediate prisons were established he was put into that position; he is the paid lecturer, with a salary of 200*l.* a year altogether, but he does an immense deal of work; his whole time has been latterly occupied, he very often goes about at night; it is not actually part of his duty, but he goes himself and sees what the people under his charge are doing at night, 3873–3878.

Assistance is given to convicts in the way of emigration by taking passages for them in a certain manner, but much caution is necessary, for obvious reasons, about it; they merely get information that may assist them, but no pecuniary assistance beyond the amount of their gratuities, 3880–3882. Of the 95 out of 142 said to have emigrated in 1862, but in which number is included those who have "gone abroad,

Whitty, Captain I. S. (Analysis of his evidence)—*cont.*

&c.," it is not known exactly what proportion have actually gone abroad as compared with the " &c.," which includes other means of disposing of them ; the " &c." might comprise about a third of the 95, 3883–3891. There would be a difficulty in carrying out the same system of disposing of the men on a large scale from England and Scotland, if it were known, 3892–3894.

Speaking generally, the treatment in Ireland in the earlier stages of the system, up to the time that the men come to the intermediate prisons, is more severe than in England, 3896, 3897. For the last three years there has been no corporal punishment in the convict prisons ; it is necessary to retain the power to inflict corporal punishment, as there might be cases in which it might be very necessary to use it, 3900, 3901.

With regard to a supplemental return showing the number of male convicts released, &c., in 1862, stating that 97 had gone abroad, that 63 were placed under the supervision of the constabulary, or under the supervision of the lecturer of Smithfield, and that 12 have had their licences revoked, or been reconvicted and sentenced to penal servitude, three only have had their licences revoked and have been reconvicted, nine of the number were for irregularities, not criminal offences ; for instance, for not reporting themselves to the police, and having no visible means of earning their livelihood ; and those 12 had all been discharged within the year, 4417–4420, 4448–4451. In the event of man not reporting himself to the police, he is put back into Mountjoy prison after being re-apprehended, 4421, 4422. With regard to the entry of " gone abroad, &c.," it is stated to the best of our belief they have gone away with the intention of going abroad, officially it is not really known what becomes of them ; they would have been under supervision if they had not got out of the way ; they have gone out of knowledge, but they had permission to go ; the number includes persons who go to England and Scotland ; in the three years, 1860, 1861, and 1862, 15 men have gone to reside in England ; of those, 11 were Englishmen and four were Irishmen, 4423–4431. A very small proportion of those applying for leave to go abroad stated that they wished to go to England or to Scotland ; a record is kept at the prison of the applications made, that is, a record of the persons who have actually gone, which is all we can speak of ; if it is not known, or there is reason to believe that the men have gone away, they would be put into the " Hue and Cry," 4432–4438. If these men go to America, they must do it out of their own gratuities, or work their passage out ; if the gratuity is about to be applied in that manner the full amount is given at once, 4440–4442. By the terms of the licence they are to be at large in the United Kingdom, but that does not amount to a prohibition to leave it, 4443–4447. The number of persons sentenced to penal servitude in Ireland during the last year was 592 ; the average number of convicts in the convict prisons for the last five years has been on the 1st January for the last five years, 1,557 ; on the 1st of January 1863 there were 1,575, which number is 18 over the average number that had been in the convict prisons on the 1st of January for the preceding five years ; there were 207 sentences to three years penal servitude in 1862 against 93 in 1861 ; in this year there has also been a considerable amount of distress, 4454–4456. The number receiving in-door or out-door relief has risen from 44,866 in January 1859, increasing in the last five years to 65,847 in January 1863, 4457, 4458. There has been a considerable increase in the numbers sentenced to penal servitude in 1862, 4460. Before Captain Gambier, witness, both as governor and director, had the charge of selecting convicts to be sent to Western Australia, in which time no prisoner was sent out to a colony who had any symptoms of insanity ; no prisoner was sent out unless he was the best person to send, that is, being perfectly sound in mind and body ; every man was mentally and physically examined, and returned as fit to go out, this was between 1848 and 1856 ; never heard of complaints being made from the colony of insane persons having been sent out, 4462–4469.

The evening school at Spike Island is exclusively for the advanced class of men, and they always attend in the evenings ; they are never taken off their labour to attend school. They perform a full day's labour, and attend at the school in the evening. The labour of the day does not so much fatigue them as to render the attendance at school in the evening irksome ; there are about 220 in the advanced class, who all attend the school, but at different parts of the prison ; the time is between an hour and an hour and a half ; this evening school is attended with very great advantage ; another class could not be very well managed in this way, there is no accommodation for them, but the advanced class have schooling in their own rooms, 4471–4483.

At Portland there was church service in the evening, which was of great value ; the men were very attentive ; there were chapel lectures given at Portland ;

Whitty, Captain I. S. (Analysis of his evidence)—*cont.*
when the Rev. Mr. Moran was there at first as chaplain there was a lecture every evening, but afterwards, when the men became much more numerous, it was discontinued, 4484, 4485.

In explanation of the number given (930) of licence-holders discharged from the intermediate prisons since they were opened, of which Sir Walter Crofton complains—until 1861 there were two intermediate prisons attached to Spike Island; the returns make a distinction, the one being a return of male convicts released on licence from Smithfield and Lusk prisons during each of the last six years, and the other a similar return for Spike Island and Philipstown prisons; the number of licence-holders who have been discharged from Smithfield and Lusk since they have been opened is 930, taking the two returns together, including the supplemental one to December 1862; and those released upon licence from Spike Island and Philipstown were 431, including 228 men discharged from the forts Camden and Carlisle; the number stated was perfectly correct with reference to the supplemental return for 1862; with respect to the returns before 1862 a correction was required, and instead of intermediate prisons, the words "Smithfield and Lusk" should be substituted, 4872–4880. The class discharged on licence from the public works prisons are principally what may be called grave offenders, they are not considered entitled to the privileges of the intermediate prisons; they are principally persons who have been guilty of one very serious crime, or one or two very serious crimes, but they are not habitual offenders, 4881–4883; and are not likely to relapse into crime, 4905. Most of the habitual offenders who obtain licences would come to the intermediate prisons, 4884. Only 12 of those sentenced under the Act of 1857 were discharged under licence from the public works prisons, 4885. With respect to the manner in which these returns have been drawn out, certain information was required by the Home Office under certain headings; what was wanted was stated in words, and the return was put in the form thought to best answer the purpose, 4887. The comparison between the relapses will not be quite correct, 4889. A year is hardly enough to test a system by—the return of last year would hardly be a fair test, 4890–4892. Explanation requisite with regard to the return of the Dublin Prison Board (App. No. 9. A.), 4893–4897. Case of a convict calling himself William Jones, who had left Ireland, and had gone to Cardiff and Gloucester, identified as a discharged lunatic, 4898–4902. A return promised, stating the proportion of those re-convicted in last year who had been at the intermediate prisons, and those who had been at Spike Island, extending to 1861 and 1862, and distinguishing between the two classes, 4903, 4904. Agrarian convicts are not sent to the intermediate prisons, 4906. The persons sent to the intermediate prisons are not persons with respect to whom there was the most hope; men convicted over and over again have been in the intermediate prisons, 4907. Men who have been convicted of only one grave offence generally behave well, and many of the others are invalids, who are discharged as such, and they do not go into the intermediate prisons because they are not qualified for work; the men not sent to intermediate prisons are chiefly composed of these classes, 4908. When a man has his licence revoked, or he is re-convicted under a very long sentence, he re-commences a regular course of separate confinement in Mountjoy prison· a re-convicted man never gets to Lusk if he has been in an intermediate prison before; otherwise he would be eligible for an intermediate prison; if his licence had some time to run, and it were revoked, he would be sent in the first place to Mountjoy for separate confinement, 4909–4913. When a man is re-convicted, and his licence revoked for a criminal offence, he is put back to separate confinement, as having received a fresh sentence; in the lighter cases of irregularity a distinction is made, they are returned there for a couple of months, or three months, and then they go on to public works; in a very few instances a fresh licence has been given when the offence has been very slight; when they are reported for a breach of the licence regulations, they are simply cautioned, 4915, 4916.

Wine, production of, in Western Australia, *Sanford*, 2801–2803. *Henderson*, 6328.

Witnesses: low scale of allowances to police as makes them unwilling to give evidence as to f[illegible]er convictions, *Gurney*, 1891.

Western Australi
Demand for convicts for; difficulty in supplying the demand, *Everest*, 141–143. Could receive 1,000 a year for a considerable period, *ib.*, 146–149. Originally objected to receive any but of the better class; latterly are ready to receive any who are able to work, and are under a reasonably long conviction, *ib.*, 187–190. Remissions of sentence very considerable in, *ib.*, 192. No females are sent to, *ib.*, 197. Not more than 600 convicts a year could be sent to, *ib.*, 198.
Some lunatics transported to, *Jebb*, 756–758. Criminals convicted of un-

Western Australia—*cont:*

natural offences specially excepted, from transportation to, *ib.*, 760. The proportion of gentlemen convicts, swindlers, clerks, &c., is not more than is sufficient for the colony; the services of Robson and Redpath have been useful, *ib.*, 761–764. Manner and principles of selections of convicts to be sent to, *ib.*, 775–778. The selection is generally regarded as a boon; in some cases the question was asked, *ib.*, 779–790.

Advantages of, for receiving convicts, *Kennedy*, 2317–2327. System of managing convicts in, *ib.*, 2336–2355. Military service and villages of pensioners in, *ib.*, 2431–2441. Not desirable to transport forgers to, or others who have private means to live upon, *ib.*, 2512. Reasons for sending convicts to, *ib.*, 2558–2551. More convicts desired in, *ib.* 2571. Would absorb all the convict labour that England could supply, *Du Cane*, 2692. Means of employment in, for convict labour, *ib.*, 2694–2708. Rich mineral districts in, *Sanford*, 2761–2770. Bad roads, and want of capital and labour at, *ib.*, 2767–2773. Timber trade of, *ib.*, 2777–2782, 2808–2816. Pasturage and agriculture of, *ib.*, 2789–2807. Importance of convict labour to, *ib.*, 2819–2834. Population of, *ib.*, 2836–2840.

Arrivals from, and departures to, at Port Adelaide, So. Australia, *Newland*, 2870–2872. Emigration of released convicts from, to Port Adelaide, the cause to great excitement and increase of crime, *ib.*, 2877. The government anxious of get rid of expirees and conditional-pardoned men, *ib.*, 2902–2909. Transportation to, injurious to South Australia, *ib.*, 2912. Facilities of intercourse with So Australia, *ib.*, 2903, 2913, 2914. Good effects of the mark system among the convicts at, *Crofton*, 3197. Transportation to, must be continued, *ib.*, 3430, 3587–3589, System of marks in, *Whitty*, 3827–3833. Removal to, of men from Bermuda. *Gambier*, 4020. Selection of convicts to be sent to, *Whitty*, 4462–4469.

Western Circuit:

Comparison of severity of punishments in two periods of five years each; decrease in length of terms of imprisonment, *Gurney*, 1851–1855. Decrease of sheep-stealing and horse-stealing in, *ib.*, 1863–1867.

Woking:

Proportion of invalids sent to, *Jebb*, 846, 847. Invalids sent to, *O'Brien*, 2001. Prisoners suffering under consumption sent to, *Guy*, 2986. Convicts of weak mind at, *Gambier*, 3960–3967. Disposal of them, *ib.*, 3993.

Work:

Fair amount of, done by convicts; opinion of the Admiralty engineer as to work done by convicts at Portland, *Jebb*, 703–705. Daily record kept of work done at Portland by the convicts, *ib.*, 706. In Ireland, as much work is done as can be fairly expected, under the system and conditions of employment, *ib.*, 711, 712. Men could not execute the work they do on a lower diet, *ib.*, 740. Quantity and gross value of work done by convicts at Portland, *ib.*, 852–856, 864.

Done by convicts at Spike Island, measurement and valuation of, *Whitty*, 3754–3765. Fair amount done, *ib.*, 3757. Valuation of, at Lusk, *ib.*, 3766–3770. At Smithfield, *ib.*, 3768–3769. Difference of opinion as to who should have the control of, at Chatham, *Macdonnell*, 5905–5908. How instructions concerning, are transmitted, *ib.*, 5909–5914. Convict brickmakers' work too highly estimated, *ib.*, 5935–5938.

Working parties of convicts, average numerical strength of, *Macdonnell*, 5884–5886. One warder can well manage a party of 14, unless he has to instruct as well as to overlook it, *ib.*, 5960–5965.

Works on which convicts could be employed in Western Australia, *Henderson*, 6149–6162.

Wotton, Thomas, cited as a case where the ticket of leave was not revoked, as not having been re-convicted, though relapsing in crime, *Waddington*, 489.

"&c.:"

Proportion under the heads of "gone abroad" and "&c." of convicts released from the intermediate prisons, *Whitty*, 3883-3891. Explanation of return, *ib.*, 4417, *et seq.* ere a

LONDON :
Printed by George E. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty.
For Her Majesty's Stationery Office.